

(4)  
No. 91-781

Supreme Court, U.S.

F. E. D.

MAY 7 1992

OFFICE OF THE CLERK

**In the Supreme Court of the United States**

OCTOBER TERM, 1991

UNITED STATES OF AMERICA, PETITIONER

v.

A PARCEL OF LAND, BUILDINGS, APPURTENANCES AND  
IMPROVEMENTS KNOWN AS 92 BUENA VISTA AVENUE,  
RUMSON, NEW JERSEY, AND BETH ANN GOODWIN

ON WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

**JOINT APPENDIX**

JAMES A. PLAISTED  
*(Counsel of Record)*  
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& BROGAN, P.A.  
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*Counsel for Respondent*

KENNETH W. STARR  
*Solicitor General*  
*Department of Justice*  
*Washington, D.C. 20530*  
*(202) 514-2217*  
*Counsel for Petitioner*

**PETITION FOR WRIT OF CERTIORARI**  
**FILED NOVEMBER 12, 1991**  
**CERTIORARI GRANTED MARCH 2, 1992**

112

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY  
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\* The opinions of the court of appeals and district court are printed  
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UNITED STATES DISTRICT COURT  
D. NEW JERSEY

Civ. A. No. 89-1411

UNITED STATES OF AMERICA, PLAINTIFF

v.

A PARCEL OF LAND, BUILDINGS, APPURTENANCES AND  
IMPROVEMENTS KNOWN AS 92 BUENA VISTA AVENUE,  
RUMSON, NEW JERSEY, DEFENDANT

RELEVANT DOCKET ENTRIES

DATE	NR	PROCEEDINGS
4-6-89	1	Complaint filed 4-3-89.
4-6-89	2	Notice of Lis Pendens filed 4-3-89
4-6-89		Summons & Warrant for Arrest issued on 4-5-89. (20 days) (Mailed to U.S. Attorney)
4-6-89	3	Notice of allocation & assignment filed 4-5-89. (Newark-Ackerman)
4-19-89	—	Warrant of seizure issued. (sent to US Attorney)
5-1-89	4	Notice of pltf. of filing forfeiture complt. w/return of summons & warrant for arrest, fld. 4-24-89.
5-5-89	5	Claim and applicaton of Beth Ann Goodwin for permission to defend this action, fld. 5-1-89.

DATE	NR	PROCEEDINGS
5-9-89	6	Consent order permitting claimant Beth Ann Goodwin to file responsive pleading on or before 6-15-89 fld. 6-7-89. (Ackerman) N/M
5-13-89	7	Order re discovery and scheduling status conference on 7-27-89 fld. (Chesler) N/M
6-15-89	8	Order re discovery fld. (Chesler) N/M
6-19-89	9	Answer of claimant Beth Ann Goodwin and <i>counterclaim</i> fld. 6-15-89.
6-19-89	10	Summons and warrant for arrest w/USM process receipt and return of svc. of complt. and warrant on deft. and claimant on 4-21-89 fld. 6-5-89.
7-6-89	11	Reply of pltf. to counterclaim fld. 6-28-89.
7-6-89	12	Claimant Beth Ann Goodwin demand for <i>jury</i> w/cert. of svc. attached fld. 7-3-89.
8-3-89	13	Consent order re discover fld. 7-28-89. (Chesler) N/M
9-5-89	14	Notice of motion of claimant Beth Ann Goodwin to dismiss complt and seizure or in the alternative summary judgment and/or ordering pltf. to produce documents and witnesses requested and answer interrogatories ret. 9-25-89; 12G statement and cert. of svc. fld. 9-1-89. (brief sub.)
9-5-89	15	Affidavit of James A. Plaisted fld. 9-1-89.

DATE	NR	PROCEEDINGS
10-12-89	16	Notice of cross motion of pltf. for stay pending ongoing criminal investigation ret. 11-13-89 and cert. of svc. fld. 10-5-89. (brief sub.)
10-12-89	17	Affidavit of Neil R. Gallagher, Esq. fld. 10-5-89.
10-13-89	18	Supplemental affidavit of James A. Plaisted fld. (reply brief sub.)
5-7-90	19	Affidavit of Neil R. Gallagher, with certificate of service, fld. 5-4-90 (reply brief sub.)
5-30-90	20	Minutes of Proceedings of 5-29-90, fld. 5-29-90 (Ackerman) Hearing on motion of pltf. for stay pending ongoing criminal investigation. Opinion read into record. Ordered motion granted. Order to be submitted.
6-4-90	21	Opinion, fld. 6-1-90 (Ackerman)
6-25-90	22	Affidavit of James A. Plaisted with certificate of service, fld.
7-13-90	23	Opinion on request for certification to appeal, fld. 7-13-90.
7-13-90	24	Order denying claimant's motions to dismiss the complaint and for summary judgment, granting pltf's motion for stay pending trial in the U.S. District Court Southern District of Florida and granting the claimant's application to certify for appeal, fld. 7-13-90 (Ackerman) n/m
7-13-90	25	Transcript of Proceedings of 5-29-90, fld. 7-9-90 (Ackerman)
7-16-90	—	Case closed (al) [Entry date 07/31/90]



DATE	NR	PROCEEDINGS
8-7-90	26	ORDER vacating the order of 7-13-90, denying claimant's motions to dismiss the complaint for summary judgment, granting pltf's motion for a stay pending trial in the U.S. District Court Southern District of Florida and granting claimant's application to certify for appeal, etc., fld. 8-7-90 (signed by Judge Harold A. Ackerman) (al) [Entry date 08/28/90]
8-15-90	26	Order vacating the order of 7-13-90, denying claimant's motions to dismiss the complaint for summary judgment, granting pltf's motion for a stay pending trial in the U.S.D.C. Southern District of Florida and granting claimant's application to certify for appeal, etc., fld. 8-7-90 (Ackerman) n/m
8-17-90	-	CLERK'S NOTE: ALL SUBSEQUENT ENTRIES ARE ON ICMS.
8-17-90	-	Case reopened (al) [Entry date 08/28/90]
8-17-90	-	CLERK'S NOTE: All future entries on computer. (nh) [Entry date 09/24/90]
9-17-90	27	CERTIFIED COPY OF USCA ORDER granting Beth Ann Goodwin leave to appeal interlocutory order of 8-15-90. (USCA Misc. 90-8084) (pv) [Entry date 09/25/90] [Edit date 09/28/90]
9-25-90	-	Copies of notice of appeal sent to USCA & Jerome Merin, AUSA (pv)

UNITED STATES COURT OF APPEALS  
THIRD CIRCUIT

No. 90-5823

UNITED STATES OF AMERICA

v.

A PARCEL OF LAND, BUILDINGS, APPURTENANCES AND  
IMPROVEMENTS, KNOWN AS 92 BUENA VISTA AVENUE,  
RUMSON, NEW JERSEY, AND BETH ANN  
GOODWIN, CLAIMANT

RELEVANT DOCKET ENTRIES

DATE	PROCEEDINGS
9/28/90	CIVIL CASE DOCKETED. Notice filed by Beth Ann Goodwin. (Case Transferred from Misc. No. 90-8084) (lld)
10/9/90	APPEARANCE from Attorney Neil R. Gallagher on behalf of Appellee USA, filed. (lld)
10/11/90	APPEARANCE from Attorney James A. Plaisted on behalf of Appellant Beth Ann Goodwin, filed. (lld)
10/11/90	DISCLOSURE STATEMENT on behalf of Appellant Beth Ann Goodwin, filed. (lld)
10/11/90	INFORMATION STATEMENT on behalf of Appellant Beth Ann Goodwin, RECEIVED. (lld)

DATE	PROCEEDINGS
10/31/90	TRANSCRIPT (Cik), already on file in the District Court Clerk's Office. (mgd)
10/31/90	BRIEFING NOTICE ISSUED. Appellant brief and appendix due 12/10/90. (lld)
12/10/90	MOTION filed by Appellant Beth Ann Goodwin for extension of time to file brief and appendix until 12/31/90. Certificate of Service dated 12/8/90. (dlr)
12/11/90	ORDER (Clerk) Denying motion by Appellant for extension of time to file brief and appendix. Counsel has previously been advised that strict compliance with this Court's briefing schedules was expected. Counsel's decision to attend to other matters does not constitute good cause to justify an extension in this Court. Rule 26(b), Fed. R. App. P. Appellant's brief and the joint appendix will be received for the information of the Court if submitted and served by December 19, 1990. If timely submission and service does not occur by that date, the appeal will be dismissed without further notice. Court Rule 28(2), filed. (dlr)
12/19/90	MOTION filed by Appellant Beth Ann Goodwin to reconsider order dated 12/11/90 to file brief and appendix out of time. Certificate of Service dated 12/19/90. (dlr)
12/19/90	BRIEF on behalf of Appellant Beth Ann Goodwin, Pages: 39, Copies: 10, delivered by mail, received. Certificate of service date 12/19/90. [see 12/11/90 order]. (mtl)

DATE	PROCEEDINGS
12/19/90	APPENDIX on behalf of Appellant Beth Ann Goodwin, Copies: 10 Volumes: 2, Delivered by mail, received. Certificate of service date 12/19/90. [see 12/11/90 order]. (mtl)
12/20/90	ORDER (Clerk) granting motions by Petitioner in 90-3605 and by Appellant in 90-5823 to reconsider orders. The prior orders will not be modified. It appears that from the above submission that there is a pattern of disregard for this Court's scheduling orders by the members of the firm of Walder, Sondak, Berkeley and Brogan, P.A. Whether such pattern exists or not, Counsel's decision to attend to other professional commitments after having received notice that strict compliance this Court's briefing orders was expected does not constitute good cause shown pursuant to Rule 26(b), Fed. R. App. P., to justify the filing of the briefs and appendices out of time. It is noted that in both cases Counsel failed even to submit timely motions. If counsel wishes this Court to consider their appeals, they must be prepared to prosecute them in the manner provided by the Court, filed. (Cvs. 90-3605 and 90-5823) (dlr)
1/15/91	CERTIFIED LIST filed. (mgd)
1/22/91	BRIEF on behalf of Appellee USA, Pages: 32, Copies: 10, Delivered by mail, filed. Certificate of Service date 1/22/91. (mtl)
1/28/91	CALENDARED for Tuesday, April 2, 1991. (agb)

DATE	PROCEEDINGS
2/5/91	REPLY BRIEF on behalf of Appellant Beth Ann Goodwin, Copies: 10, Delivered by mail, filed. Certificate of service date 2/5/91. (mtl)
4/2/91	ARGUED 4/2/91 Panel: Mansmann, Hutchinson, Circuit Judges, O'Neill, District Judge. (agb)
6/17/91	OPINION ( <i>Mansmann</i> and Hutchinson, Circuit Judges, and O'Neill, District Judge), filed. (ch)
6/17/91	JUDGMENT, REMANDED to the said District Court with direction to reconsider Beth Ann Goodwin's motion for summary judgment and motion to dismiss after determining whether Goodwin was an "innocent owner." It is further ordered and adjudged that as to all other certified issues, the decision of the said District Court is affirmed, filed. (ch)
6/25/91	MOTION filed by Appellee USA for a thirty day extension of time to file petition for rehearing. Certificate of Service dated 6/24/91. (ch)
7/1/91	LETTER OBJECTION by Appellant Beth Ann Goodwin to motion for extension of time to file petition for rehearing, filed. Certificate of service dated 6/28/91. (ch)
7/11/91	ORDER filed ( <i>Mansmann</i> , Circuit Judge) granting motion for extension of time to and including July 31, 1991 within which to file petition for rehearing by Appellee USA. (kot)
7/30/91	PETITION by Appellee USA for rehearing in banc, filed. Certificate of service dated 7/29/91. (ch)

DATE	PROCEEDINGS
8/13/91	ORDER filed (Sloviter, Chief Judge, Becker, Stapleton, <i>Mansmann</i> , Authoring Judge, Greenberg, Hutchinson, Scirica, Cowen, Nygaard, Roth, Circuit Judges, and O'Neill, District Judge) denying petition for in banc rehearing. Judges Becker, Stapleton, Cowen and Roth would have granted rehearing. (ch)
8/19/91	MOTION filed by Appellee USA to stay mandate. Certificate of Service dated 8/16/91. (kot)
9/3/91	REPORTER at 937 F2d: 98 (ch)
9/4/91	ORDER filed ( <i>Mansmann</i> , Circuit Judge) granting motion to stay mandate by Appellee USA. Mandate Stayed to 9/23/91 (ch)
9/20/91	MOTION filed by U.S.A., Appellee to further stay mandate. Certificate of Service dated 9/19/91. (ch)
10/8/91	ORDER filed ( <i>Mansmann</i> , Authoring Judge) granting motion to stay mandate by Appellee USA. Mandate Stayed to 10/23/91 (ch)
10/24/91	MANDATE ISSUED, filed. (ch)
10/24/91	RECORD released. (ch)
11/18/91	Supreme Court of U.S. notice filed advising petition for writ of certiorari filed by Appellee USA. Filed in the Supreme Court on October 12, 1991 at Supreme Ct. case number: 91-781. (ch)
1/2/92	Supreme Court of U.S. notice filed advising petition for writ of certiorari filed by Appellant Beth Ann Goodwin. Filed in the Supreme Court on December 16, 1991 at Supreme Ct. case number: 91-1052. (ch)



## DATE

## PROCEEDINGS

- 3/5/92 U.S. Supreme Court order dated March 2, 1992 at S.C. number: 91-1052, denying petition for writ of certiorari by Appellant Beth Ann Goodwin, filed. (ch)
- 3/5/92 U.S. Supreme Court order dated March 2, 1992 at S.C. number: 91-781, granting petition for writ of certiorari by Appellee USA, filed. (ch)

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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Civil Action No. 89-1411

UNITED STATES OF AMERICA, PLAINTIFF,

v.

A PARCEL OF LAND, BUILDINGS, APPURTENANCES AND  
IMPROVEMENTS KNOWN AS 92 BUENA VISTA AVENUE[,]  
RUMSON, NEW JERSEY[,], DEFENDANT.

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VERIFIED COMPLAINT

---

The United States of America by its attorney, Samuel A. Alito, United States Attorney for the District of New Jersey, for its complaint, says:

1. This *in rem* action is brought pursuant to 21 U.S.C. § 881, *et seq.*
2. Jurisdiction is vested in this Court pursuant to 28 U.S.C. §§ 1345, 1355, 1356 and 1395 and Title 21, U.S.C. § 881(a)(6) and § 881(a)(7).
3. That defendant real property with buildings, appurtenances, and improvements is more fully described as follows:

Tax Map. Reference: Municipality of Rumson, Block No. 114, Lot No. 13 .

The property consists of the land and all the buildings and structures on the land in the City of Rumson County of Monmouth and the State of New Jersey. The legal description is:



BEGINNING at a measurement standing in the westerly side of Buena Vista Avenue distant 2420.35 feet measured in a southerly direction from the intersection formed by the westerly side of Buena Vista Avenue and the southerly side of Rumson Road, and running thence

1. South 26 degrees 23 minutes east 200.15 feet along the westerly side of Buena Vista Avenue to a point therein; thence

2. South 65 degrees 51 minutes 30 seconds west 409.00 feet to a point; thence

3. North 24 degrees 08 minutes 30 seconds west 160 feet to a point; thence

4. North 65 degrees 51 minutes 30 seconds east 180.00 feet to a point; thence

5. North 21 degrees 41 minutes 30 seconds east 57.39 feet to a point; thence

6. North 65 degrees 51 minutes 30 seconds east 180.00 feet to the point and place of beginning.

BEING the same premises known as 92 Buena Vista Avenue, Rumson, New Jersey.

BEING Lot 13 in Block 114 as shown on the official tax map of the Borough of Rumson, Monmouth County, New Jersey, revised December 1962.

The above description is made in accordance with a survey dated November 8, 1978, made by Thomas Santry.

Being the same lands and premises as conveyed to Martha G. Nichols by deed from John Edward Saker and Joan Phyllis Saker, his wife, dated November 13, 1978 and recorded November 15, 1978 in Deed Book 4136, page 92.

4. That defendant real property with buildings, appurtenances, and improvements was purchased with the proceeds traceable to an exchange for a controlled substance in violation of Title 21, United States Code, punishable by at least one year's imprisonment, to wit: Title 21, United States Code, Sections 841, 846, 848, 952 and 963.

5. That defendant real property with buildings, appurtenances and improvements was purchased on November 15, 1982 by Beth Ann Goodwin, nee Shurack as a nominal party for Joseph Anthony Brenna a/k/a Joseph Crawford, a/k/a Joseph Cavanaugh, a/k/a Joe Smith, a/k/a Little Joe for approximately \$240,000, with funds provided by Joseph Anthony Brenna which were the proceeds traceable to an exchange for a controlled substance in violation of Title 21, United States Code, Sections 841, 846, 848, 952 and 963.

6. That between 1982 and 1986 Joseph Anthony Brenna, a/k/a Joseph Crawford, a/k/a Joseph Cavanaugh, a/k/a Joe Smith, a/k/a Little Joe, has been involved in a scheme to import the controlled substance, marijuana, into the United States, from a place outside thereof, namely Colombia.

7. That the defendant property is currently titled in the name of Beth Ann Shurack by virtue of a Warranty Deed recorded in Monmouth County Official Records Book 4382, Page 403, on November 30, 1982.

8. That a 10% contract deposit of \$24,000 was paid by Beth Ann Goodwin, nee Shurack, through her attorney's, Craig Davis' law firm, Mason, Griffin and Pierson of Princeton, New Jersey on October 29, 1982 to the law firm of Kirkpatrick and Rathman of Rumson, New Jersey, attorneys for the sellers.

9. That Beth Ann Goodwin, nee Shurack has, since 1980, no visible means of support.

10. That Joseph Anthony Brenna on or about November 5, 1982 caused approximately \$216,000 to be wire transferred to the law firm of Mason, Griffin and Pierson of Princeton, New Jersey, attorneys for the buyer Beth Ann Goodwin nee Shurack from Onchan International Finance Co. Ltd., Tortola, British Virgin Islands.

11. Approximately \$216,000 was transferred by wire to New Jersey by the Bank of Nova Scotia from a certificate of deposit for Onchan International Finance Co. Ltd., Tortola, British Virgin Islands.

12. That Joseph Anthony Brenna obtained this \$216,000 which was used to purchase the defendant property from criminal acts involving the importation, possession and distribution of controlled substances.

13. That Joseph Anthony Brenna pled guilty on September 29, 1988 to a misdemeanor violation of 31 U.S.C. § 5322 and 18 U.S.C. § 2, in that he willfully failed to file a Report of International Transportation of Currency or Monetary Instruments ("CMIR") for the transfer of \$225,000 as required by 31 U.S.C. § 5316 and 31 C.F.R. § 1032. Part of these funds were used by Beth Ann Goodwin, nee Shurack as a nominal party for Joseph Anthony Brenna for maintenance and upkeep of the defendant property.

14. That Joseph Anthony Brenna obtained this \$225,000 which was used to maintain the defendant property from criminal acts involving the importation, possession and distribution of controlled substances.

15. That the defendant property has been listed for sale at approximately \$1,200,000.

16. That Beth Ann Goodwin, nee Shurack executed a first mortgage lien in favor of Berkely Federal Savings and Loan Association of New Jersey in the amount of \$150,000, recorded on May 10, 1988 in Mortgage Book 4491, page 627.

17. That Joseph Anthony Brenna, accumulated huge profits by engaging in multiple criminal acts involving the importation, possession and distribution of controlled substances before, during and after the acquisition of the defendant property of Beth Ann Goodwin, nee Shurack.

18. That because the defendant real property is a proceed traceable to exchanges of controlled substances, such defendant real property is subject to seizure and forfeiture under the provisions of 21 U.S.C. § 881(a)(6).

19. That in or about December 1986, the residence at 92 Buena Vista Avenue, Rumson, New Jersey, was used to facilitate the distribution of proceeds traceable to an exchange for a controlled substance, in violation of Title 21, U.S.C., Section 841, 846, 848, 952 and 963. That in or about December 1986, in the premises located at 92 Buena Vista Avenue, Rumson, New Jersey, Joseph Anthony Brenna, paid to a crew member of a marijuana smuggling venture, \$30,000 which is traceable to an exchange for a controlled substance, in violation of Title 21, U.S.C., Section 841, 846, 848, 952 and 963.

20. That by reason of the foregoing, the defendant real property has become and is forfeited to the United States of America, plaintiff herein, pursuant to the provisions of 21 U.S.C. § 881(a)(7).

WHEREFORE, plaintiff, the United States of America, prays that due process issue to enforce the forfeiture and to give notice to the interested parties to appear and show cause why the forfeiture should not be decreed, and prays that the defendant real property be condemned and forfeited to the United States of America and be delivered into the custody of the United States Marshals Service for disposition according to law, and for such other further relief as this Court may deem just and proper.

The defendant real property is and during the pendency of this action, will remain within the municipality of

Rumson, New Jersey, a part of the District of New Jersey,  
within jurisdiction of this Court.

Respectfully submitted,

SAMUEL A. ALITO, JR.  
United States Attorney

By: Jerome L. Merin

JEROME L. MERIN  
Assistant U.S. Attorney  
Deputy Chief, Civil Division

I HEREBY CERTIFY that the  
above and foregoing is a true and  
correct copy of the original on file  
in my office.

ATTEST:

WILLIAM T. WALSH, Clerk  
United States District Court  
District of New Jersey

By: [Signature Illegible]

Deputy Clerk

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Civil Action No.

UNITED STATES OF AMERICA, PLAINTIFF,

v.

A PARCEL OF LAND, BUILDINGS, APPURTENANCES AND  
IMPROVEMENTS KNOWN AS 92 BUENA VISTA AVENUE[,]  
RUMSON, NEW JERSEY[,] DEFENDANT.

VERIFICATION

RICHARD GIACOBBE, of full age, being duly sworn,  
deposes and says:

1. I am a Special Agent of the Drug Enforcement Administration, Ft. Lauderdale, Florida office, and as such have been assigned the responsibility for the within matter.

2. The facts as set forth in the Complaint are, to the best of my information, knowledge and belief, true.

Sworn and subscribed to before me  
this 20th day of March, 1989

/s/ DORY LINGO

Notary Public of the State of  
Florida. My Commission expires

/s/ S/A Richard N. Giacobbe

RICHARD GIACOBBE  
Special Agent  
Drug Enforcement Administration



UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Civil Action No. 89-1411

UNITED STATES OF AMERICA, PLAINTIFF,

v.

A PARCEL OF LAND, BUILDINGS, APPURTENANCES AND  
IMPROVEMENTS KNOWN AS 92 BUENA VISTA AVENUE[,]  
RUMSON, NEW JERSEY[,] DEFENDANT.

SUMMONS AND WARRANT FOR ARREST

TO THE UNITED STATES MARSHALS,  
AND/OR ANY OTHER DULY AUTHORIZED  
FEDERAL LAW ENFORCEMENT OFFICER:

A complaint *In Rem* having been filed this 2nd day of April, 1989 in the U.S. District Court, District of New Jersey, alleging that the real property and buildings known as 92 Buena Vista Avenue, Rumson, New Jersey, (hereinafter "defendant property"), was purchased with the proceeds traceable to a felony violation of the Controlled Substances Act and was used to facilitate a violation of Title 21, U.S.C., Sections 841, 846, 848, 952, and 963 and is therefore, subject to seizure and forfeiture to the United States pursuant to Title 21, U.S.C. Section 881(a)(6) and Section 881(a)(7);

And, the Court being satisfied that there is probable cause to believe that the defendant property so described therein was purchased with proceeds traceable to a felony

violation of the Controlled Substances Act and the grounds for application for issuance of a seizure warrant exist as stated in the annexed complaint Verified by Special Agent RICHARD GIACOBBE of the Drug Enforcement Administration and title having vested in the United States by action of law pursuant to 21 U.S.C. §881(h);

YOU ARE, THEREFORE, HEREBY COMMANDED to arrest and seize said defendant property and maintain custody as provided by 19 U.S.C. §1605 until further order of this Court. The United States Marshal for the District of New Jersey (Hereinafter "Marshal's Service") shall use its discretion in maintaining the defendant property, and may use means, both within and without the Marshal's Service, as it deems appropriate to protect and maintain said defendant property;

YOU ARE FURTHER COMMANDED TO POST, upon said defendant property in an open and visible manner, notice of such seizure at the time thereof making the government's seizure open and notorious;

YOU ARE FURTHER ORDERED TO SERVE upon the record owners of the defendant property and its occupants a copy of this warrant and notice of any transaction in connection with this seizure in a manner consistent with Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims within a reasonable time of seizure,

AND IT IS FURTHER ORDERED THAT that the Marshal's Service shall conduct a structural inspection of the defendant property, in order to enable the Marshal's Service to determine the condition of the defendant property at the time of its seizure and determine whether any conditions exist that threaten the security of the defendant property or its occupants; and

The Marshal's Service, and any of its authorized agents or designees, shall have at its discretion the authority to



dispose of, by any means available, perishable, contaminated, flammable, explosive or volatile items located at the defendant property to the extent that such items constitute a danger to the occupants or to the public. An inventory will be kept as to those items and the method of disposal used; and

If the defendant property is vacant, or becomes vacant, or in [sic] uninhabitable, the Marshal's Service, or any of its authorized agents and designees, shall, in addition to an inspection, secure the defendant property and take such action as the Marshal's Service deems necessary to protect the personal property of the occupants of the defendant property; and

FURTHER IT IS HEREBY ORDERED that the record owners and occupants of the defendant property acknowledge in writing the seizure of their interest in the defendant property and service of this warrant. Any occupants of the defendant property who desire to continue to reside at the defendant property following seizure shall promptly enter into occupancy agreements with the Marshal's Service;

AND FURTHER IT IS HEREBY ORDERED that the Marshal's Service shall, in its discretion, arrest any occupant of the defendant property who attempts to obstruct this order or prevent service and seizure as ordered herein;

AND FURTHER IT IS HEREBY ORDERED that a notice of pendency be filed with the appropriate recorder of deeds to give record notice of the forfeiture of the defendant property;

AND UPON APPLICATION of the plaintiff, United States of America, and pursuant to All Writs Act (Title 28 U.S.C. §1651(a), the Court shall issue any order necessary to effectuate and prevent the frustration of the order of this Court during the execution of this seizure warrant, and after; and

A RETURN of this warrant shall be made within ten (10) days of execution with notice to the Court of the individuals upon whom copies were served and the manner employed, and a statement as to satisfaction of the orders herein issued.

Dated: New Jersey

April 12, 1989

/s/ [Signature Illegible]  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Civil Action No. 89-1411

IN RE: A PARCEL OF LAND, BUILDINGS, APPURTENANCES  
AND IMPROVEMENTS

BETH ANN GOODWIN, CLAIMANT

CLAIM

Pursuant to Federal Rules of Admiralty and Maritime Claims (C)(6), Petitioner Beth Ann Goodwin avers the following:

1. The subject matter of this *in rem* action is real property with buildings, appurtenances and improvements known as 92 Buena Vista Avenue, located in Rumson, New Jersey.

2. Since November 15, 1982, Petitioner has been the sole lawful, beneficial and rightful owner of the real property in question.

3. The real property in question is, and always has been, titled in the name of Beth Ann Shurack by virtue of Warranty Deed recorded in Monmouth County Official Records Books on November 30, 1982.

4. Petitioner did not purchase defendant real property as a nominal party for Joseph Anthony Brenna a/k/a Joseph Crawford, a/k/a Joseph Cavanaugh, a/k/a Joe Smith, a/k/a Little Joe.

5. Petitioner had no knowledge that any of the funds used to purchase the real property in question were derived from drug trafficking or other illegal activities.

6. Accordingly, Petitioner should be granted her motion to defend this action, and the seized real property should be returned.

WHEREFORE, it is respectfully requested that this Honorable Court enter an Order granting Petitioner a right to defend this action.

HOYLE, MORRIS & KERR

By: /s/ Ralph A. Jacobs

Lowell F. Raeder

Ralph A. Jacobs

One Liberty Place

Suite 4900

1650 Market Street

Philadelphia, PA 19103

(215) 981-5700

Attorneys for Petitioner

DECLARATION OF BETH ANN GOODWIN

I, Beth Ann Goodwin, declare under penalty of perjury that the foregoing is true and correct.

Executed on the 29th day of April, 1989.

/s/ Beth Ann Goodwin

Beth Ann Goodwin

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Civil Action No. 89-1411

UNITED STATES OF AMERICA, PLAINTIFF,

v.

A PARCEL OF LAND, BUILDINGS, APPURTENANCES AND  
IMPROVEMENTS KNOWN AS 92 BUENA VISTA AVENUE[,]  
RUMSON, NEW JERSEY[,] DEFENDANT.

CONSENT ORDER

[Filed July 8, 1989]

THIS MATTER having been opened to the court by the United States Attorney for the District of New Jersey, Samuel A. Alito, Esq. (appearing by Neil Gallagher, Esq.) and Walder, Sondak, Berkeley & Brogan attorneys for Beth Ann Goodwin (appearing by James A. Plaisted, Esq.) and the court having reviewed the submissions of counsel and having heard the arguments of counsel with respect to the various matters raised in the telephone conference call on July 14, 1989 and for good cause shown;

IT IS ON THIS 27th DAY OF July ORDERED THAT Claimant, Beth Ann Goodwin shall have an extension of time to answer or object to the government interrogatories until five days after the United States responds as to whether it will agree that any answers to interrogatories provided by Ms. Goodwin will not be deemed a waiver of Ms. Goodwin's privilege against self incrimination; and

IT IS FURTHER ORDERED that the deposition of Shaun Murphy will be conducted at the expense of the United States\* at a reasonably convenient place in the Metropolitan area to be selected by the United States in its sole discretion prior to the end of the first week in August; however defense counsel must pay his own costs and expenses in getting to that deposition; and

IT IS FURTHER ORDERED that United States shall produce Joseph Mazocca for a deposition prior to September 30, 1989 and if he has not been produced prior to that date the United States shall show cause as to why it should not be barred from utilizing Mr. Mazocca as a witness at the trial herein; and

IT IS FURTHER ORDERED that the United States shall have been deemed to refuse to produce the interview report and statements of Mr. Mazocca taken by any government agent including but not limited to Mr. Giacobbe for the purposes of any Motions by the Claimant: (1) to compel discovery, (2) for sanctions, or (3) for dismissal of the Complaint herein.

/s/ STANLEY R. CHESLER

Honorable Stanley R. Chesler  
U.S. Magistrate  
U.S. District Court  
District of New Jersey

\* This provision of the aforesaid order is without prejudice to any rights the United States may have to the award of said expenses as taxable costs should it prevail in the litigation.



## U.S. DEPARTMENT OF JUSTICE

*United States Attorney**District of New Jersey*

970 Broad Street, Room 502

Newark, New Jersey 07102

(201) 621-2932

NRG:ra/0973W/P109

201-621-2700

FTS 348-2700

August 18, 1989

James A. Plaisted, Esq.

Walder, Sondak, Berkeley &amp; Brogan

5 Becker Farm Road

Roseland, New Jersey 07068

Re: UNITED STATES v. A PARCEL OF LAND, etc.  
 KNOWN AS 92 VISTA AVE., RUMSON, N.J.  
 CIVIL ACTION NO. 89-1411

Dear Mr. Plaisted:

I have your letter of August 9, 1989. The stipulation you prepared for the rental of the property is not acceptable to the United States. Given your inflexible position I will not respond with alternative suggestions.

As to the balance of your letter I (again) take issue with your inflammatory characterization of the actions of my client. It does not advance this case to have you constantly referring to everything as "precipitous" or "unfair" etc.

Please be advised that given the wide scope of your discovery into what is, as you are aware, a wide-ranging grand jury criminal investigation I will not be producing Mr. Mazocco for a deposition at this time. It is clear that your inquiries of Mr. Mazocco will go well beyond the events of the purchase of the house in question. Given the totality of this lawsuit, we believe that a stay of discovery

in this matter would be appropriate and we will expeditiously file such an application.

You will be hearing from me further in this regard.

Very truly yours,

SAMUEL A. ALITO, JR[.]

United States Attorney

/s/ Neil R. Gallagher

By: NEIL R. GALLAGHER

Assistant U.S. Attorney



UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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Civil Action No. 89-1411

UNITED STATES OF AMERICA, PLAINTIFF,

v.

A PARCEL OF LAND, BUILDINGS, APPURTENANCES AND  
IMPROVEMENTS KNOWN AS 92 BUENA VISTA AVENUE[,]  
RUMSON, NEW JERSEY[,], DEFENDANT.

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[Original Filed Sep. 1, 1989]

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NOTICE OF MOTION

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SIRS:

PLEASE TAKE NOTICE that the claimant and counterclaimant Beth Ann Goodwin by her counsel, Walder, Sondak, Berkeley & Brogan (appearing by James A. Plaisted, Esq.) will move before the Honorable Harold W. Ackerman at the United States Court House, Newark, New Jersey on September 25, 1989 at 10:00 a.m. or at such other time as the court may designate for an Order dismissing the Complaint and the Seizure herein and/or in the alternative granting Summary Judgment pursuant to Rule 56 of the Federal Rules Civil Procedure against the United States and/or ordering the United States to produce the documents and witnesses requested and answer the interrogatories sought.

In support of the Motion the claimant and counterclaimant relies on the Affidavit of James A. Plaisted, the Memorandum of Law submitted herewith, and the depositions and exhibits that comprise the record herein.

WALDER, SONDAK, BERKELEY & BROGAN, P.A.  
5 Becker Farm Road  
Roseland, New Jersey 07068  
(201) 992-5300  
Attorneys for Claimant and Counterclaimant  
Beth Ann Goodwin

Dated: August 31, 1989 By: /s/ James A. Plaisted  
JAMES A. PLAISTED

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Civil Action No. 89-1411

UNITED STATES OF AMERICA, PLAINTIFF,

v.

A PARCEL OF LAND, BUILDINGS, APPURTENANCES AND  
IMPROVEMENTS KNOWN AS 92 BUENA VISTA AVENUE[,]  
RUMSON, NEW JERSEY[,] DEFENDANT.

VERIFICATION

BETH ANN GOODWIN, of full age, being duly sworn,  
deposes and says:

1. I am the Beth Ann Goodwin as described in the attached Petition.
2. The facts as set forth in the Petition are, to the best of my information, knowledge and belief, true.

/s/ Beth Ann Goodwin

BETH ANN GOODWIN

Sworn and subscribed to before me  
this 19th day of May, 1989

/s/ Kelly Riley

KELLY RILEY

Notary Public, State of New Jersey  
Qualified in Hudson County  
Commission Expires October 25,  
1990

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Civil Action No. 89-1411

UNITED STATES OF AMERICA, PLAINTIFF,

v.

A PARCEL OF LAND, BUILDINGS, APPURTENANCES AND  
IMPROVEMENTS KNOWN AS 92 BUENA VISTA AVENUE[,]  
RUMSON, NEW JERSEY[,] DEFENDANT.

PETITION FOR REMISSION AND MITIGATION  
OF JUDICIAL FORFEITURE

To: Richard Thornburg,  
Attorney General of the United States of America  
Main Justice Building  
10th and Pennsylvania Avenues, N.W.  
Washington, D.C. 20530

Beth Ann Goodwin nee Beth Ann Shurack by her attorneys Walder, Sondak, Berkeley & Brogan (appearing by James A. Plaisted) petitions upon information and belief in connection with the above referenced forfeiture as follows:

1. Petitioner lived with Joseph Anthony Brenna during the period from approximately 1981 until approximately 1987. Petitioner maintained an intimate personal relationship during that period with Brenna and he supported her and her children.

2. Mr. Brenna made a gift of the initial funds used for the down payment on the above-referenced property to the petitioner.

3. Mr. Brenna has no ownership interest or other legal interest in the above-referenced property. Mr. Brenna has not used the property in any way since 1987.

4. In and around October, 1987, Mr. Brenna vacated from the premises of the property.

5. In and around December 1987 after the petitioner was assaulted by Mr. Brenna, petitioner told Mr. Brenna not to reappear at the property.

6. The petitioner has used the house and property herein as her home and the home for her three children from 1982 up to the present date.

7. During 1988 petitioner began to pay all of the bills to maintain and improve the property without the aid of Mr. Brenna.

8. Petitioner purchased the property in her own name in 1982. The property is deeded to petitioner and petitioner alone and any mortgages are and have been solely in the petitioner's name.

9. Petitioner has always treated the property as her own and has left it in her Will for the benefit of her three children.

10. Petitioner is the sole owner of the above referenced property and has a bona fide ownership interest in the seized property.

11. Petitioner has no knowledge that the property was involved in any violation of the law or that the funds given to her by Mr. Brenna which she used to purchase the property were traceable to drug sales. Petitioner has no knowledge that any particular violation which may have occurred subjected the property to seizure and forfeiture. Petitioner had no knowledge that Mr. Brenna had a record

for violating the laws of the United States and petitioner has taken all reasonable steps to prevent the illegal use of the property.

WHEREFORE Petitioner requests that United States remit the above referenced property to her in its entirety.

WALDER, SONDAK, BERKELEY & BROGAN  
Attorneys for Beth Ann Goodwin

By: /s/ James A. Plaisted  
JAMES A. PLAISTED



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

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Case No. 90-6055-CR-GONZALEZ(S)

18 U.S.C. 2  
21 U.S.C. 848  
21 U.S.C. 853  
21 U.S.C. 952(a)  
21 U.S.C. 963

UNITED STATES OF AMERICA[,] PLAINTIFF,

v.

JOSEPH C. MAIORINO, A/K/A JOE FROM ANGUILLA,  
JOSEPH A. BRENNAN, A/K/A LITTLE JOE, A/K/A JOSEPH  
CAVANAUGH, A/K/A JOSEPH CRAWFORD,  
ROBERT J. KENNEDY, A/K/A BOB, AND  
JAMES H. BRENNAN, A/K/A JIMMY, DEFENDANTS.

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**INDICTMENT**

The Grand Jury charges that:

**COUNT I**

From on or about January 1, 1982 to in or about  
December 1988, in the Southern District of Florida and  
elsewhere, defendant

JOSEPH C. MAIORINO  
a/k/a Joe from Anguilla,  
knowingly and intentionally engaged in a continuing  
criminal enterprise, in that he knowingly and intentionally  
violated Title 21, United States Code, Sections 952(a) and

963, as described in Counts III through VII of this indictment, which counts are incorporated herein by reference, which violations were part of a continuing series of violations of subchapters I and II of the Drug Abuse and Control Act of 1970 undertaken by defendant JOSEPH C. MAIORINO in concert with at least five other persons with respect to whom defendant JOSEPH C. MAIORINO occupied a position of organizer, supervisor, and manager and from which continuing criminal violations defendant JOSEPH C. MAIORINO obtained substantial income and resources.

All in violation of Title 21, United States Code, Section 848.

*Forfeiture*

Upon conviction of defendant JOSEPH C. MAIORINO of engaging in a Continuing Criminal Enterprise, as set forth in this Count (Count I), in violation of Title 21, United States Code, Sections 848 and 853, the United States is entitled to forfeiture of, and the defendant will forfeit to the United States, all profits and property constituting, or derived from, any proceeds obtained directly or indirectly by him in such enterprise, and shall forfeit his interest in, or claim against, any and all property and contractual rights of any kind affording a source of influence over such property; as was used by him to facilitate such enterprise or was obtained with the profits or proceeds of profits of such enterprise, including, but not limited to, the following:

Cash in the amount of \$24,000,000 received as proceeds of narcotics trafficking.



THE GRAND JURY FURTHER CHARGES THAT:

COUNT II

From on or about January 1, 1982 to in or about December 1988, in the Southern District of Florida and elsewhere, defendant

JOSEPH A. BRENNNA,  
a/k/a Little Joe,  
a/k/a Joseph Cavanaugh,  
a/k/a Joseph Crawford,

knowingly and intentionally engaged in a continuing criminal enterprise, in that he knowingly and intentionally violated Title 21, United States Code, Sections 952(a) and 963, as described in Counts III through VII of this indictment, which counts are incorporated herein by reference, which violations were part of a continuing series of violations of subchapters I and II of the Drug Abuse and Control Act of 1970 undertaken by defendant JOSEPH A. BRENNNA in concert with at least five other persons with respect to whom defendant JOSEPH A. BRENNNA occupied a position of organizer, supervisor, and manager, and from which continuing series of violations defendant JOSEPH A. BRENNNA obtained substantial income and resources.

All in violation of Title 21, United States Code, Section 848.

*Forfeiture*

Upon conviction of defendant JOSEPH A. BRENNNA of engaging in a Continuing Criminal Enterprise, as set forth in this Count (Count II), in violation of Title 21, United States Code, Sections 848 and 853, the United States is entitled to forfeiture of, and the defendant will forfeit to the

United States, all profits and property constituting, or derived from, any proceeds obtained directly or indirectly by him in such enterprise, and shall forfeit his interest in, or claim against, any and all property and contractual rights of any kind affording a source of influence over such property; as was used by him to facilitate such enterprise or was obtained with the profits or proceeds of profits of such enterprise, including, but not limited to, the following:

A. Cash in the amount of \$24,000,000 received as proceeds of narcotics trafficking.

B. Certain real property known and numbered as 92 Buena Vista Ave., Rumson, New Jersey and described as Municipality of Rumson, Block No. 114, Lot No. 13 property. The property consists of the land and all the buildings and structures on the land in the Borough of Rumson County of Monmouth and State of New Jersey. The legal description is:

BEGINNING at a monument standing in the westerly side of Buena Vista Avenue distant 2420.35 feet measured in a southerly direction from the intersection formed by the westerly side of Buena Vista Avenue and the southerly side of Rumson Road, and running thence

1. South 26 degrees 23 minutes east 200.15 feet along the westerly side of Buena Vista Avenue to a point therein; thence

2. South 65 degrees 51 minutes 30 seconds west 409.00 feet to a point; thence

3. North 24 degrees 08 minutes 30 seconds west 160.00 feet to a point; thence

4. North 65 degrees 51 minutes 30 seconds east 180.00 feet to a point; thence

5. North 21 degrees 41 minutes 30 seconds east 57.39 feet to a point; thence

6. North 65 degrees 51 minutes 30 seconds east 180.00 feet to the point and place of beginning.

C. A certain marine vessel known as the "Sahara" and described as a 60-foot wooden hulled Stowington marine vessel.

GRAND JURY FURTHER CHARGES THAT:

COUNT III

From on or about January 1, 1982 and continuing thereafter to in or about December 1988, in the Southern District of Florida and elsewhere, defendants

JOSEPH C. MAIORINO, a/k/a Joe from Anguilla,  
JOSEPH A. BRENNNA, a/k/a Little Joe,  
a/k/a Joseph Cavanaugh, a/k/a Joseph Crawford,  
ROBERT J. KENNEDY, a/k/a Bob, and  
JAMES H. BRENNNA, a/k/a Jimmy,

knowingly and intentionally combined, conspired, confederated and agreed with each other and with persons known and unknown to the Grand Jury to commit offenses against the United States, that is to violate Title 21, United States Code, Section 952(a).

It was the purpose and object of this conspiracy to knowingly and intentionally import into the United States, from a place outside thereof, a Schedule I controlled substance, that is, a quantity of marijuana in excess of 1,000 kilograms.

All in violation of Title 21, United States Code, Section 963.

GRAND JURY FURTHER CHARGES THAT:

COUNT IV

In or about April 1985, in the Southern District of Florida and elsewhere, defendants

JOSEPH C. MAIORINO, a/k/a Joe from Anguilla,  
JOSEPH A. BRENNNA, a/k/a Little Joe,  
a/k/a Joseph Cavanaugh, a/k/a Joseph Crawford, and  
ROBERT J. KENNEDY, a/k/a Bob,

knowingly and intentionally imported into the United States, from a place outside thereof, and knowingly and intentionally aided and abetted such importation of, a Schedule I controlled substance, that is, a quantity of marijuana in excess of 1,000 kilograms.

All in violation of Title 21, United States Code, Section 952(a), and Title 18, United States Code, Section 2.

GRAND JURY FURTHER CHARGES THAT:

COUNT VI

In or about October 1986, in the Southern District of Florida and elsewhere, defendants

JOSEPH C. MAIORINO, a/k/a Joe from Anguilla,  
JOSEPH A. BRENNNA, a/k/a Little Joe,  
a/k/a Joseph Cavanaugh, a/k/a Joseph Crawford, and  
JAMES H. BRENNNA, a/k/a Jimmy,

knowingly and intentionally imported into the United States, from a place outside thereof, and knowingly and intentionally aided and abetted such importation of, a Schedule I controlled substance, that is, a quantity of marijuana in excess of 1,000 kilograms.

All in violation of Title 21, United States Code, Section 952(a), and Title 18, United States Code, Section 2.

GRAND JURY FURTHER CHARGES THAT:

COUNT VII

In or about November 1986, in the Southern District of Florida and elsewhere, defendants

JOSEPH C. MAIORINO, a/k/a Joe from Anguilla,  
JOSEPH A. BRENNNA, a/k/a Little Joe,  
a/k/a Joseph Cavanaugh, a/k/a Joseph Crawford, and  
JAMES H. BRENNNA, a/k/a Jimmy,

knowingly and intentionally imported into the United States, from a place outside thereof, and knowingly and intentionally aided and abetted such importation of, a Schedule I controlled substance, that is, a quantity of marijuana in excess of 1,000 kilograms.

All in violation of Title 21, United States Code, Section 952(a), and Title 18, United States Code, Section 2.

A TRUE BILL

/s/ Michael D. Marcus

FOREPERSON

/s/ Dexter W. Lehtinen (J.P.W.)

DEXTER W. LEHTINEN  
United States Attorney  
Southern District of Florida

Certified to be a true and  
correct copy of the original  
Robert M. March, Clerk  
U.S. District Court  
Southern District of Florida

By T Paler

[Illegible] Clerk  
Date Apr. 13, 1990

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

[Civil Action No. 89-1411]

UNITED STATES OF AMERICA

v[s].

A PARCEL OF LAND, BUILDINGS, APPURTENANCES AND  
IMPROVEMENTS KNOWN AS 92 BUENA VISTA AVENUE,  
RUMSON, NEW JERSEY.

Deposition of SHAUN MURPHY, taken at the Office  
of the United States Attorney for the District of New  
Jersey, 970 Broad Street, Newark, New Jersey, on August  
2, 1989, commencing at about ten o'clock in the forenoon,  
before William Sokol, a Notary Public and Certified  
Shorthand Reporter of the State of New Jersey.

APPEARANCES:

SAMUEL A. ALITO, JR., ESQ.  
United States Attorney for the District of N.J.  
By: NEIL GALLAGHER, ESQ.,  
Assistant United States Attorney.

WALDER, SONDAK, BERKELEY & BROGAN  
For Petitioner  
By: JAMES PLAISTED, ESQ.

BILL SOKOL, C.S.R.  
(201) 654-8054



[2] **SHAUN PATRICK MURPHY, sworn.**

**DIRECT EXAMINATION**

BY MR. PLAISTED:

Q. Mr. Murphy, this is an action by the United States Government to seize the house and home of a woman by the name of Beth Ann Goodwin at 92 Buena Vista Avenue in Rumson, New Jersey, where she has resided with her children since approximately 1982.

The Government has produced you here today indicating that you have evidence to provide in this action.

Have you ever been to 92 Buena Vista Avenue in Rumson, New Jersey?

A. No.

Q. Do you know anything about that house?

A. No.

Q. Have you ever met Beth Ann Goodwin?

A. No.

Q. Her maiden name was Shurack; have you ever met Beth Ann Shurack?

A. No.

Q. Have you ever met any of her children?

A. No.

Q. Have you ever spoken to her?

A. No.

[3] Q. Do you know how Beth Ann Goodwin purchased 92 Buena Vista Avenue in Rumson, New Jersey?

A. No.

Q. Do you know anything about the finances of Beth Ann Goodwin?

A. No.

Q. Other than Federal Agents has anyone ever mentioned Beth Ann Goodwin or Beth Ann Shurack to you?

A. No.

Q. Mr. Murphy, let me show you what has been marked previously in this case as Goodwin Exhibit 18 on 6/27/89. It purports to be a transcript of testimony in the trial of Joseph Brenna held in the Virgin Islands. Contained therein, starting at approximately page 34-A, would appear to be testimony by Shaun Patrick Murphy. Could you look at that and tell me whether that is a transcript of your testimony in that trial?

A. It does look like it is.

Q. And have you reviewed that at various times?

A. Yes, I have.

Q. And was it truthful and accurate when you gave it?

A. It was.

Q. And is it still truthful and accurate today?

A. It is.

[4] Q. Now, in this case Special Agent Giacobbe, who is present here today, has said that you have told him that you don't have any personal knowledge of what Brenna did for a living. Have you said that to him?

A. I have no direct knowledge at all of what he does, correct.

Q. And you have said that to the DEA Agents that you have worked with?

A. I have.

Q. And Special Agent Giacobbe said that he didn't believe that you had any personal knowledge of what Brenna did for a living; is that accurate?

A. Correct.

Q. Now, Mr. Brenna never told you how he earned his income then, correct?

A. Correct.

Q. Mr. Brenna never told you how he acquired his assets; is that correct?

A. Correct.

Q. Mr. Brenna never gave you any insight into the background of his financial affairs, correct?

A. Correct.

Q. You handled investments for a great number of clients, correct?

A. Correct.

[5] Q. Approximately how many?

A. I had approximately five hundred companies.

Q. And would that represent investments that you were handling for at least five hundred clients?

A. No, probably I managed funds or investments for approximately two hundred of those companies.

Q. Who managed the investments for the other three hundred?

A. They did not have any investments, they were just holding companies.

Q. And when you say they were just holding companies, did they have any assets whatsoever?

A. Only shares in other companies.

Q. In any case, you had well in excess of two hundred clients?

A. Correct.

Q. And was that at any one given time?

A. It started to build up from 1980 to 1986.

Q. In March 1986 was the time that you had at least two hundred customers?

A. I did.

Q. There were customers I presume you had who ceased using you over that period of time, correct?

A. Yes.

Q. So there are all told over two hundred people over that period who you were handling investments for?

[6] A. Yes, probably.

Q. Do you know precisely as you sit here now how many in all there were of your clients for whom you

handled investments during the entire time that you were in Tortola?

A. Probably somewhere in the region of three hundred clients.

Q. How long were you managing investments in Tortola?

A. From September 1980 through March 1986.

Q. It is true, is it not, that you made it a point not to inquire of clients as to the source of their income?

A. Correct.

Q. You made it a point not to inquire of your clients as to how they made their money?

A. Correct.

Q. You made it a point not to be involved in any way in their financial affairs other than to handle their investments?

A. That's correct.

Q. That was your business practice?

A. It was.

Q. And you followed that practice with Mr. Brenna, correct?

[7] A. Yes.

Q. And you knew a Mr. Cavanaugh; is that correct?

A. I knew a gentleman known as Joseph Cavanaugh and also his other name he used, as Joseph Crawford.

Q. And when you would take money to handle the investments on behalf of clients you would put it in company names for those clients so that their real names would not be revealed; is that correct?

A. Correct.

Q. And so it wasn't unusual in your line of business that he was not utilizing his, the name Brenna but was utilizing a different name?

A. It was unusual, it was unique, to the best of my knowledge, because I did not know that Mr. Cavanaugh's real name was Mr. Brenna.

Q. From whom did you learn that that was his real name?

A. DEA Agents.

Q. You worked with the DEA Agents for a great deal of time; is that correct?

A. Correct, since March 1986.

Q. And you spent a great number of months with them working on a regular basis; is that correct?

A. Yes.

Q. You learned a lot of facts during that period of [8] time, correct?

A. With regard to what?

Q. During the time you worked with the DEA did you learn a great number of facts from the Agents about your clients that you didn't know previously?

A. Yes.

Q. And now, would it be fair to say that pursuant to your practice of not seeking to learn the source of funds you did not make any effort to learn the source of any funds Mr. Brenna gave you?

A. Correct.

Q. And you in fact did not know the source of any of those funds, correct?

A. Correct.

Q. As you sit here now do you know the precise date that he gave you funds to invest for him?

A. If I were to look at my files I could be more precise; I can give you the approximate days.

Q. Do you know the approximate date from reviewing your records in preparation for your testimony here today?

A. I do.

Q. And those you reviewed during the last day or two, correct?

A. Yes.

MR. PLAISTED: Can I have all of the records [9] Mr. Murphy has reviewed for the purpose of his testifying?

MR. GALLAGHER: Sure.

Shaun, are these —

A. Do you want me to go through them?

What we have here is a copy of the Stowell, Limited, Operations File, a copy of the Stowell Investments, Limited, Secretarial File, the original of the Minute Book for Stowell, the original of the Documents File for Stowell, the original Oscotia Bank File; number 2, the original of the Barclay's Bank File, we have the Secretarial File for American-Indian Investments, Limited, and we have the Operations File for Bartholome Investors, Limited, and finally, we have the Financial Management and Trust, Limited, Client Contact File for Joe Smith; and additional to that we have working papers that I have prepared while cooperating with the DEA.

Q. Now, the name Roger Smith on this one particular file, or the name Joseph Smith, who does that relate to?

A. Mr. Cavanaugh used the name Joe Smith.

Q. Well, did you give it to him for the purposes of your files?

A. I think we agreed upon it mutually as the name to be entered on the files.

Q. Did you have other clients who had similar [10] types of names put on their files that were not their own names?

A. Other clients had code words which we would use with the prefix "Mr." on them, correct, so, yes, other clients did have pseudonyms on the files.

Q. In fact it was your practice to give your clients a pseudonym of some sort?



A. Yes, but usually as a code, not so much on the face of the file.

This was not unique.

Q. You mean it was not unique to give them a different name than their real name?

A. Yes.

Q. You would select that name and talk to them about it?

A. Correct.

Q. You did that with most of your clients, did you not?

A. Some of my clients.

Q. So it was not unusual to give them a pseudonym when they began [sic] doing business with you, correct?

A. The pseudonym was given to enable them to access into the code.

Q. For what purpose?

It wasn't unusual to give them a pseudonym, [11] correct?

A. As a code word, yes.

Q. And was smith the code word for Mr. Brenna?

A. Mr. Cavanaugh, yes.

Q. Would you prefer I call him Mr. Cavanaugh?

A. I don't care.

At the time he was Cavanaugh.

Q. Now, the Customs on St. Thomas is remarkably lax, isn't it?

A. Very.

MR. GALLAGHER: Objection, he can answer, but I object to the form and his knowledge about whether Customs is lax or not.

Q. Does the "Bomba Charger" still run between St. Thomas and Tortola in the British Virgin Islands?

A. To the best of my knowledge, yes.

Q. When you get on a boat like the "Bomba Charger" you don't go through Customs, do you?

A. No.

Q. You just —

A. If you leave the country from any port in the United States you don't go through Customs.

Q. So there were no reports that you had to file when you picked up money in St. Thomas and took it to the British Virgin Islands via that method?

[12] MR. GALLAGHER: Objection, conclusion.

He may answer.

A. The lack of Customs does not mean that you do not have to follow the laws of the U.S.

Q. Did you know that at the time that you were operating —

A. I was aware there was some law with regard to disclosure.

Q. Did you ever tell anybody that you in essence thought if you weren't asked there wasn't a real reporting requirement by you taking money out of the —

A. Well, if no one ever asked you, I was aware that there was some requirement as to disclosure, I don't think I knew the exact formal how to do it, but I was aware that you should disclose funds being taken out of the country.

Q. My question was, did you ever tell anybody — perhaps when this investigation first started — that you didn't think there was any such reporting requirement from St. Thomas because they weren't asking?

A. No.

Q. But there certainly was a difference between exiting St. Thomas to go to the British Virgin Islands and exiting the mainland U.S. in terms of Customs?

A. No.

[13] Q. There was not?

A. No.

Q. Is there any difference between Customs in St. Thomas when you exit the American Virgin Islands and when you exit the mainland, in your experience?

A. There is a difference in Saint John on the particular day—well, in general what I used to do was to clear into Saint John and to clear out of Saint John on the same day and go across to St. Thomas.

Q. Would you not be asked when you would leave Saint John?

A. Not be asked what?

Q. Why did you do that?

A. You lost me.

Q. Why did you clear into Saint John and out of Saint John on the same day?

A. Very convenient.

Q. So it was a matter of convenience?

A. Yes, they let you do it, they probably appreciated you were going to St. Thomas—shouldn't have done that, but it saved you having to go clear in St. Thomas, which is a great nuisance, much easier to go into the first port-of-call and clear in and out instead of having to do it when you left.

Q. Now, in your trial testimony you said that you violated the currency exportation laws approximately [14] ten times by going out of the country without filing reports—let me show you page 40, the last question, going over to the next page—is that correct?

A. It is correct.

Q. And did you have an arrangement with a Mr. Levine who was a client of yours?

MR. GALLAGHER: Jim, at this point I want to place on the record that there is an ongoing Grand Jury investigation—

May I take a brief break in the deposition? I want to discuss the current status of Mr. Levine's case with Special

Agent Giacobbe, because we have a Grand Jury problem.

MR. PLAISTED: No problem.

I can use the time to look at the records that you have just given me this morning.

(Short recess.)

(Record read.)

MR. GALLAGHER: As I indicated before, we have had a brief discussion, the matter with Mr. Levine, I understand that there are related cases with Mr. Levine that are still before the Grand Jury, and I think we are starting to get away from this case, and I think we are starting to get into the potential interference with the Grand Jury down in Florida.

[15] I would prefer you not delve into it because we are starting to stray off the mark, and I would ask if you could stay with Mr. Brenna or anyone else, you know, related to him.

MR. PLAISTED: Why don't we just, there are references in the transcript as to violations of the CTR requirements and I want to probe those.

I can try to ask a couple of limited questions at first, and why don't you, if there comes a point where you think that you should instruct him not to answer, why don't you just do that? Just say, "Same instruction" and we will move along a little quicker.

In terms of that, I do have a number of questions about these other violations that I would like to put on the record.

MR. GALLAGHER: Okay.

Q. Let me start through them and let's see; at least for the purposes of establishing the record I would like to proceed that way.

MR. GALLAGHER: Sure.

Q. Was Mr. Levine a client of yours?

A. Yes.

Q. Did Mr. Levine provide you with money for investments?

[16] A. Yes.

Q. On approximately how many occasions?

A. Six or seven.

Q. And did you violate the CTR requirements in connection with Mr. Levine?

A. Yes.

Q. On those six or seven occasions?

A. Yes.

Q. Mr. Levine gave you very large amounts of money, correct?

A. Define "very large amounts of money".

Q. Much more than Mr. Brenna gave you, correct?

A. On each individual occasion, or in total?

Q. In total.

A. In total, yes.

Q. How much did he give you in total?

A. In excess of one million dollars.

Q. And you had other clients who gave you in excess of a million dollars, did you not?

A. Yes.

Q. In fact there were some clients who gave you as much as three to four million; is that correct?

A. I wouldn't be able to answer that without checking my records, but it is quite possible.

Q. Did you ever tell anyone that you had clients [17] who gave you more than three million dollars?

A. No.

Q. And you never told any Federal Agents that?

A. Yes, quite possibly.

Q. Did you have clients who gave you more than three million dollars?

A. Quite possibly, yes, maybe.

Q. You just don't know as you sit here?

A. I don't know without reviewing the files of the particular clients involved.

Q. How many files do you have access to that you would have to review to make that determination?

A. I would have to look into the affairs of two or three groups of clients.

Q. And who are those clients?

MR. GALLAGHER: At this point I think, Jim, I would like to—

MR. PLAISTED: This will go faster, if you are going to let him answer it just let him answer, and if not just instruct him not to.

MR. GALLAGHER: Just a moment. I would like to have a conversation with Mr. Giacobbe.

MR. PLAISTED: Sure.

(Short recess.)

MR. GALLAGHER: At this point I would rather [18] the witness not answer the question because of the ongoing criminal investigations and Grand Jury proceedings in Florida.

MR. PLAISTED: Are you instructing him not to answer it?

MR. GALLAGHER: He is not my client, I can't instruct him not to answer it, but I would just prefer that he wouldn't.

Q. Mr. Murphy, are you going to answer my question?

A. No.

Q. And why not?

A. I don't want to.

Q. And what is the reason you don't want to?

A. I am willing to answer questions with regard to Cavanaugh so that this case assists the case against him



but I don't feel I wish to answer questions against other clients at this moment.

Q. And so you will not answer such questions concerning other clients?

A. Correct.

Q. When you say you want to assist the case against Cavanaugh, do you understand that this is a case against Cavanaugh or Brenna?

A. I don't really know much about what is going on.

Q. Where did you get the understanding that this is [19] a case against Cavanaugh or Brenna?

A. After I have been reading all of the Cavanaugh files and transcripts against him I understood it had something to do with him.

Q. You mean in preparation for your testimony here today you arrived at that understanding?

A. Yes.

Q. But you don't have any information that he has any connection to 92 Buena Vista Avenue in Rumson, New Jersey, do you?

A. I have never heard of the address before.

Q. And you don't have any information that would shed light on whether or not 92 Buena Vista Avenue in Rumson, New Jersey, was purchased with the proceeds from drug transactions, do you?

MR. GALLAGHER: Objection, conclusion, but —

A. The only information I know is that Mr. Cavanaugh asked me to wire some funds to his lawyer's office, Mason, Griffin, and which I did.

Other information I have with regard to the house is the fact that I was wiring additional amounts of five thousand dollars up to Mason, Griffin and Mr. Cavanaugh explained to me that this was to do with repairs to the roof, some litigation regarding repairs to the roof.

[20] From that I deduced that he had maybe bought a house up there.

Q. Do you have any firsthand information that he bought a house?

A. I have no such information. I know from general hearsay —

Q. I am going to ask you in terms of hearsay, are you relating hearsay provided to you by Ms. Goodwin?

A. No.

Q. Are you relating hearsay provided to you by Mr. Cavanaugh or Brenna?

A. No.

Q. You have already said that you don't know the source of the money that you wired there, correct?

A. I don't know where it came from other than than it was given to me.

Q. All right.

And you know nothing further about the source of that money other than those facts?

A. Correct.

Q. You don't have any evidence to offer that the house at 92 Buena Vista Avenue, Rumson, New Jersey, that you are unfamiliar with, was used for facilitating drug transactions, do you?

A. No.

[28] \* \* \* \* \*

Q. Would be originals of documents that you had drafted but no longer had use for?

A. No. All documents that were no longer in use were filed away in the files.

Q. But there was a client who asked you to shred all of his records with respect to his investments?

A. Correct.

Q. And as to this client originals were shredded?

A. Correct.

Q. Were there on occasions times when originals from other clients were shredded for some reason?

A. In one particular case there was.

Q. As you sit here now you don't have total recall of each document that was shredded each day, do you?

A. No, because they were considered waste. The only original documents shredded were some documents in March 1986 relating to Michael Levine, and the only other documents that I am aware of that were originals that were shredded were for this other particular client.

Q. Who was that?

A. Antonio Companys.

Q. How much money did you invest for Mr. Companys?

A. It is very difficult to—

[29] MR. GALLAGHER: Jim, we had a previous discussion about other investments for other people than the people here. I think, I am not certain, but I think there is or at least there may be an investigation of this individual and I think that your questioning here could conflict with that ongoing investigation, and I would rather make the same instruction to Mr. Murphy that I made previously—not an instruction, but a concern that I would rather he didn't answer.

Q. Mr. Murphy, can you tell me without going into any other details about Mr. Companys—perhaps you can answer this “yes” or “no”—did he give you cash to invest for him?

A. The question is did Mr. Companys give me cash to invest for him?

Q. Yes.

A. And the answer is yes.

Q. If you could just give me a number with respect to this question: how many times did Mr. Companys give

you cash that you violated the United States Currency Exportation laws with respect thereto?

MR. GALLAGHER: Jim, I think I have the same objection.

MR. PLAISTED: Even as to just how many times?

MR. GALLAGHER: I think, unless you have a—

[30] MR. PLAISTED: It is referred to in his trial testimony relating to Mr. Brenna and so I would like to at least get the number of times.

MR. GALLAGHER: Can you at least give me a page?

MR. PLAISTED: 40 and 41 where we covered before, that he indicated approximately ten times he violated the Currency Exportation laws.

MR. GALLAGHER: One moment.

(Short recess.)

MR. GALLAGHER: The witness may answer him *[sic]* many times from what he recalls.

A. I am unable to recollect how many times, if any, for Mr. Companys.

Q. We know it was sometime, correct, once, or do we not?

A. Do we?

Q. I am asking you. Did you ever violate the Currency Exportation laws with respect to the moneys Mr. Companys asked you to invest for him?

A. I am unable to recollect whether I did or not.

Q. Did he ever give you or have delivered to you money delivered in the United States?

A. I am unable to recollect.

Q. You don't know whether he gave you money or where you were when he gave it to you?

[31] MR. GALLAGHER: At this point I think we are getting away from the number and into more of the details, and I think I would make the same statement that I had previously.



Q. Will you answer my question?

A. No.

Q. Will you answer any further questions with respect to the investments you made for Mr. Companys?

A. I prefer not to.

Q. Does that mean you will not?

A. I will not.

Q. How many records did you shred relating to Mr. Companys prior to the search and seizure?

MR. GALLAGHER: I think at this point I will make the same objection and express the same sentiment, that I would rather that the witness not answer.

I feel we are getting away from the scope of our case and into another matter where there is an ongoing investigation.

Q. I take it Mr. Murphy, you will not answer the questions relating to the shredding of documents concerning Mr. Companys?

A. I will not.

Q. You indicated that you shredded documents [32] relating to Mr. Levine, correct?

A. Yes, on one occasion.

Q. And did Mr. Levine request that you shred documents for him?

A. No.

Q. What caused you to shred the documents relating to Mr. Levine?

MR. GALLAGHER: I think I am going to instruct and voice the same concern, that there are ongoing spin-off cases with Mr. Levine, ongoing Grand Jury proceedings and ongoing trials, and I would rather that the witness wouldn't answer.

Q. Will you answer the question, sir?

A. I will not.

Q. Did you shred documents relating to Mr. Levine shortly before the search and seizure by Scotland Yard of your offices?

A. Yes.

Q. Did you shred documents relating to Mr. Levine as a result of your learning of criminal investigations?

MR. GALLAGHER: Same objection and same instruction.

Q. Will you answer?

A. No.

Q. Did you shred documents of Mr. Brenna's[?]

[59] A. Yes.

Q. Is it written?

A. It is.

Q. Do you have a copy of it?

A. No.

Q. Does the Federal Government have a copy of it?

A. Yes.

MR. PLAISTED: Can I have it?

MR. GALLAGHER: I suppose so.

I don't have a copy of it. I will make an inquiry and in response to your request I will provide a written response; is that okay?

MR. PLAISTED: All right. We don't need to belabor or argue about whether it has been requested before.

MR. GALLAGHER: Certainly.

Q. Now, as part of your agreement you are not going to be prosecuted, correct; is that your understanding?

A. Yes, there was an agreement which allowed for that.

Q. And your understanding is that the United States Federal Government will not prosecute you in connection with criminal violations of its laws that you have committed, correct?

A. Correct.



[60] Q. And what do you do in return?

A. I agree to cooperate.

Q. And what does that mean, "cooperate"?

A. I agree to cooperate fully with them as and when they require my cooperation.

Q. And to appear in proceedings like this; is that correct?

A. Yes.

Q. Is this an appearance pursuant to your agreement?

A. It is.

Q. And did you understand that your cooperation would be in criminal investigations and cases when you entered into it?

A. Yes.

Q. And did you prior to when we sat down here today assume that this was part of a criminal proceeding?

A. No.

Q. When did you learn it was not part of a criminal proceeding?

A. About two months ago.

Q. Do you understand that there is an ongoing criminal investigation relating to Mr. Brenna-Cavanaugh?

A. Yes.

Q. And are you cooperating in that criminal [61] investigation, as you understand it?

A. Yes.

Q. And what, if anything, do you understand from your conversations with Agents that this case has to do with the investigation of Mr. Brenna?

A. I understand that the moneys I forwarded up to lawyers on instructions from Mr. Brenna was used to purchase the property they are trying to seize.

Q. And you learned that from the Agents?

A. I did.

Q. You don't have any independent knowledge that the money that you forwarded to New Jersey was even used for a house purchase, do you?

A. I do not have any direct knowledge of that.

Q. And did you ever learn that Brenna had a girl friend, so to speak, in the United States?

A. I did.

Q. Did you learn that from the Agents as well?

A. No.

Q. Who did you learn that from?

A. Hearsay.

Q. From whom?

A. I do not recollect.

Q. So you can't identify who told you he had a girl friend in the United States?

[62] A. I can't.

Q. Did you ever hear that his girl friend in the United States left him high and dry, so to speak?

A. No, not high [sic] and dry. I heard she had expensive tastes.

Q. Did you ever hear that she left him high and dry?

A. Can you define "high and dry"?

Q. Do you know what that means [sic]?

A. No, financially, emotionally?

Q. Have you ever said to anybody that Brenna's girl friend left him high and dry?

A. No.

Q. Did you cover in your taped conversations with the Federal Agents the topic of Mr. Brenna-Cavanaugh?

A. Yes, certainly.

Q. And did you cover the wire transfers to New Jersey that you made at his instruction?

A. Maybe.

Q. And is the only way to determine that by a review of the transcripts and the tapes?

A. Yes, I covered all matters that were of interest to Customs so I certainly covered the moneys given to me in St. Thomas.

MR. PLAISTED: And may I have those tapes or [63] transcripts?

MR. GALLAGHER: They are not in my possession. I will consider the request and provide a response.

I don't have tapes or the transcripts.

A. The transcripts were given I think to Mr. Black in the criminal proceedings down in St. Thomas.

Q. The complete transcript?

A. Not in the first case but in the second case, excerpts that relate to Mr. Cavanaugh.

Q. Did you review those transcripts before they were provided?

A. Yes.

Q. Were they accurate reflections of what you previously said relating to Mr. Brenna?

A. They were very brief summaries of my transactions with Mr. Brenna.

Q. Did you accurately relate the facts pertaining to Mr. Brenna as you understood them at the time you made those tapes?

A. In a tracy form, yes.

Q. When you say "tracy" you mean summary form?

A. Summary form.

Q. You did not purchase any boats for Mr. Cavanaugh-Brenna, did you?

A. I arranged for —

[64] Q. Did you purchase any? I would appreciate a "yes" or "no" answer.

A. I did not pay for any boats for Mr. Cavanaugh, no.

Q. Can you answer *asto* [sic] whether you purchased any boats for Mr. Brenna in a "yes" or "no" fashion?

A. A company that I formed for Mr. Brenna purchased a boat from another company.

Q. Did you ever tell anybody that you did not purchase any boats for Mr. Cavanaugh-Brenna?

A. The question is a little technical. As the question is technical, I might have.

Q. You might have said that?

A. The word "purchase" having different connotations.

Q. So you might have said, "No, I didn't purchase any boats for Mr. Cavanaugh-Brenna to Agents in the past?"

A. I might have said that.

Q. Is it true that you did not purchase any boats for Mr. Cavanaugh-Brenna?

A. It is true that I did not purchase in the form of paying for them in cash, but it is true that I did purchase them because I effected the transfer of them.

The word "purchase" is the key word.

[65] Q. When you say you effected the transfer does that mean that you had them registered?

A. I did.

Q. Is that what you mean?

A. No.

Q. Did you tell anybody in the past that what you did for Mr. Brenna in connection with boats was to register them?

A. Yes.

Q. Was that accurate?

A. Yes.

Q. Did you actually purchase boats for other of your clients?

A. Again, is it possible for you to define "purchase" by way of transfer, or actual paid in cash?

Q. Did you ever have anything to do with boats for any of your other clients beside Mr. Brenna?

A. Yes.

Q. How many, approximately?

A. Forty, approximately.

Q. And what were your, what role did you play in connection with boats for other clients besides Mr. Brenna?

A. In certain cases I would purchase in so much as I would pay the cash for boats on behalf of clients and I would also purchase boats where there would be [66] no consideration involved.

Q. When you say "purchase them where there would be no consideration" what do you mean?

A. I would buy them from another company but I would not pay the other company for the boat.

Q. So you would effectuate a transfer for the client?

A. Correct.

Q. And did you do that with other assets of your clients beside boats, like houses, for instance?

A. Not as far as I can recollect.

Q. Did you do any other assets —

A. Oh, I beg your pardon, may I retract that? Yes I did purchase houses for other clients.

Q. And I take it you would handle all sorts of assets for other clients?

A. I would handle many assets for other clients, correct.

Q. Did you ever hear that Mr. Brenna's girl friend and he had broken up, so to speak?

A. No.

Q. Did you ever tell anybody that their relationship had terminated, in so many words?

A. No, I knew very little about their relationship.

Q. And what you heard you heard from some [67] unidentified third party?

A. Yes.

Q. What it a Federal Agent?

A. No.

Q. Did you ever charter boats for different clients?

A. Yes.

Q. Did you ever register or transfer registrations for different clients of different boats?

A. Yes.

Q. Did you ever have other transactions in connection with these forty or so boats that you dealt with for clients besides what we have already covered?

A. The question is very, very general.

Q. Can you describe to me what else you did with boats for clients?

A. I purchased them, I sold them, I chartered them; that's about all you can do with boats.

Q. So whatever one can do with boats you did for clients?

A. Probably.

Q. Did you keep them all in any particular harbor when you were handling them for clients?

A. No.

Q. Did you take responsibility for boats that were maintained on Tortola for some clients?

[68] A. Yes.

Q. Approximately how many during the course of the six or so years —

A. Ten, fifteen.

Q. And I take it this was on behalf of a number of different clients, it wasn't all one client with forty or so boats?

A. Correct.

Q. Was there anything illegal about what you did with boats for clients?

A. No.

Q. Did you —



MR. GALLAGHER: Objection to the last question, conclusion.

Q. Are there any legal justifications that you thought existed for your accepting currency in the United States and not reporting it?

MR. GALLAGHER: Objection, conclusion.

He may answer.

A. No.

Q. Did you ever tell Agents that there were such justifications?

A. You asked me whether there are justifications to break the law that I knew that existed and the answer is no.

[69] Q. Did you ever tell Agents on a tape or otherwise that at the time you were doing it you thought there were such justifications?

A. No.

Q. Did you ever know a gentleman by the name of Moreno?

A. I am not sure whether I heard the name before or after my arrest in March of 1986.

Q. If you heard it after, you heard it from the Agents?

A. Correct.

Q. Did you know a Mr. Moreno before 1986? if you can recall.

A. Yes, I did, I met somebody who said to me that was his name Moreno.

Q. Did he deal in boats?

A. Yes.

Q. Did he have a boat business in Anguilla?

A. Yes.

Q. Did you ever have any illegal transactions with Mr. Moreno, as far as you know?

A. No.

Q. Did you ever buy any boats from Mr. Moreno?

A. For, or from?

Q. For or from?

[70] A. Yes.

Q. Which, for, or from?

A. A boat called "Topsail Traveler".

Q. And did you buy it for, or from, him?

A. Both.

Q. You effectuated a transfer for him?

A. Yes.

Q. And so far as you know there was nothing illegal about that transaction, correct?

A. Correct.

Q. So far as you know there wasn't anything illegal about any of your boat transactions, correct?

A. Cor[r]ect.

MR. GALLAGHER: Again, the same objection.

As far as he knows—all right, I withdraw the objection.

Q. As you understand it from your conversations with the Agents do the proceedings in this case relate to the criminal investigation of Mr. Brenna?

A. Yes.

Q. How so?

A. How so?

Q. What is your understanding?

A. I was told that Mr. Brenna is a drug smuggler and that the proceeds from this were given to me and [71] used to purchase the house.

Q. The Agents told you that?

A. Correct.

Q. And do you understand that the evidence gathered in the course of this particular case may further the investigation of Mr. Brenna?

A. I don't know, I'm not sure if I understand the question or if I don't know.

Q. Do you understand that this case is part and parcel of the criminal investigation of Mr. Brenna, in your mind?

A. Whether it is or not in my mind, it is all one.

Q. And in terms of all of one then you are aiding this investigation; is that correct?

A. Yes.

Q. Pursuant to your agreement?

A. Yes.

Q. Have you ever been told that there was a search of this property at 92 Buena Vista Avenue?

A. No.

Q. Do you know a Mr. Mazacco?

A. Could you spell that, please?

Q. M-A-Z-O-C-C-O?

A. No.

Q. Or M-A-Z-O-C-C-A?

[72] A. Never heard of a name like that.

Q. Mr. Brenna-Cavanaugh never spoke to you about a Mr. Mazacco?

A. No.

Q. What are the criminal offenses you understand you will not be prosecuted for by the Federal Government in connection with your agreement?

A. It is my understanding that I will not be prosecuted for any offenses save murder, as I was led to believe, though I believe in fact wrongly, unless I at some stage refuse to cooperate or am found lying.

Q. And what are the offenses that you understand you committed that you won't be prosecuted for?

A. I'm not a lawyer, but I understand that it is something to do with conspiracy.

Q. To do what?

A. Drugs, drug related conspiracy, exchange control regulations, and that's all that I am aware of that I have of crimes I have committed.

Q. When you say conspiracy to commit drug transactions, haven't you told us and testified that you had no idea before the search and seizure that any drugs were involved in this?

A. I have said that.

Q. Is that true?

A. Yes.

[73] Q. Has somebody told you that you can be prosecuted for an offense that [sic] you had no idea has been committed?

A. Yes.

Q. Who told you that?

A. Various DEA Agents and Scotland Yard, and I believe that.

Q. And because of what they have told you, you have entered into this agreement to cooperate?

A. Yes.

Q. Did you ever consult with your own attorney as to whether you could be prosecuted for offenses that you had no idea were being committed?

A. No I did not.

Q. Did the DEA Agents ever tell you what the exposure for these drug offenses that you didn't know were being committed would be on your behalf?

A. They intimated to me that I would be in a lot of trouble.

Q. And did they tell you for what period you could go to jail for these drug offenses that you didn't know were being committed?

A. No.

Q. Did you understand it could be life?

A. No.

\* \* \* \* \*

[83] Q. During the time that you were unemployed after April 1986 for that year, that first year —

A. Nine months.

Q. Whatever the time is, during the period until you gained employment was the Federal Government providing you money upon which you were living and paying your living expenses from April 1986 until you became employed?

A. I refuse to answer that question.

Q. On what basis?

A. I'm not going to answer your question.

Q. How much money has the Federal Government provided to you in connection with your cooperation on this case and other cases?

A. I will answer that question.

Q. Thank you.

A. The Federal Government has paid me approximately \$30,000 from March of 1986 until the present date.

Q. Did you pay out of your pocket your travel expenses to come here, for instance?

A. I did.

Q. And do they reimburse you for that?

A. They do, they will.

[84] Q. Do you include expenses such as that within your \$30,000 figure?

A. I do.

MR. PLAISTED: Can I get an itemized list of those expenses and payments?

THE WITNESS: No.

MR. PLAISTED: Rather than asking the witness, from you, Mr. Gallagher?

MR. GALLAGHER: First of all, I certainly don't have it. I don't know if I am going to provide it.

Let me think on that one, Jim. That's out of left field.

Q. Mr. Murphy, I take it you do not want him to provide the list of your payments from the Federal Government?

A. Correct.

MR. GALLAGHER: The only difficulty I would have is, off the top of my head, that it might provide some sort of idea of where he currently is, and that's definitely one thing I don't want to do.

MR. PLAISTED: A list I don't think would do that.

MR. GALLAGHER: I don't know if it [85] will, but I will respond to you at a later date.

Q. I take it in terms of probing the details of the payments to you from the Federal Government, Mr. Murphy, that you don't plan to answer those questions if I ask them; is that correct?

A. Correct.

Q. Did you ever say to any Federal agents in tape recorded conversations that there was in substance, nothing wrong with your transactions with Brenna?

A. I do not recollect.

Q. You may have said that at some point in time?

A. I may not have, I may have.

Q. And if you did say it was it truthful at the time you said it?

A. If I did say that my transactions with Brenna were legal was it truthful?

Q. Yes, were you intentionally lying if you said that, or was it a mistake, or you just don't know?

A. It would have been a mistake to say that.

Q. So why would you have said it, why do you think you might have said it?

MR. GALLAGHER: Objection. There is [86] no testimony that he might have.

Q. So far as you —

A. I might have, I might not have.



Q. So far as you know you might have, you might not have, you have no idea?

A. I do know that my transaction with Mr. Brenna broke the law so, therefore, if I said I didn't break the law then I was lying.

Q. You also believed that taking money from the American Virgin Island[s] to the British Virgin Islands was a violation of the American Criminal law?

A. I'm not sure whether I knew it was criminal or civil, but I was aware that it was breaking a law somewhere.

Q. You have no idea whether it was simply breaking a regulation, or a criminal law?

A. Correct.

Q. For all you knew at the time you did it, it was a civil violation rather than a criminal violation?

A. I thought it was just a reporting requirement.

As you must understand, other countries do not have such laws.

Q. When you say you thought it was simply a reporting requirement you mean simply a [87] regulation that did not have criminal sanctions?

A. Correct, the basis for that is that the Virgin Islands, England and half of Europe, do not have such laws.

Q. So at the time that you took money from the American Virgin Islands to the British Virgin Islands you did not realize it was a violation of a criminal statute?

A. Correct.

Q. And then I presume that during that period of time until the search and seizure in April of 1986 you did not believe that you were violating any criminal statutes; is that correct?

A. Yes, it is correct, I was not until the DEA told me the penalties for violation the statutes that I realized it was quite serious.

I could not understand why such a small thing could be so serious.

Q. When you sent money into the United States did you satisfy the reporting requirements?

A. On the majority of times, yes.

Q. Did you ever say to Federal agents that you always satisfied reporting requirements when you sent money into the United States?

A. Carried money in, I probably did say that, yes.

[88] Q. And when you wire transferred money in did you similarly satisfy reporting requirements, if there were any?

MR. GALLAGHER: Objection, I think you can ask the witness what he did when he wired money, whether — as to whether or not the witness, you know, as a practical matter you and I know what the reporting requirements are wire transfers.

MR. PLAISTED: You may know, I am not necessarily sure I know.

MR. GALLAGHER: There are none, my objection to your question is that it assumes a fact that is not true or seem to be —

Q. Did you as you understand it when you wire transferred money into the United States, did you have any reporting requirements?

A. I don't think anyone thinks that there are any reporting requirements when you wire funds into the United States, and, no, I did not.

Q. So at the time you wired transferred money for Mr. Brenna into the United States you did believe [sic] you had any reporting requirements, correct?

A. Correct.

Q. As you sit here today you still do not [89] believe you had any reporting requirements with respect to the money that you sent into the United States for Mr. Brenna?

A. Correct.

Q. [A]nd in fact there wasn't anything improper with your wiring money into the United States for Mr. Brenna, was there?

A. No, there was not.

Q. And you have never thought that your wiring money into the United States for Mr. Brenna was a part of a drug enterprise?

A. No.

Q. And you don't today, do you?

A. No, I do not.

MR. PLAISTED: Mr. Gallagher, I'm still in the position I was before, which is I don't see how this witness does anything other than help Ms. Goodwin's case.

I don't know why you think he does anything else, and so I would ask that you elicit what you think furthers your case so that —

MR. GALLAGHER: Are you saying you are done with your direct examination?

MR. PLAISTED: I can go on in terms of

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

Civil 89-1411

UNITED STATES OF AMERICA

v.

A PARCEL OF LAND, BUILDINGS, APPURTENANCES AND  
IMPROVEMENTS KNOWN AS 92 BUENA VISTA AVENUE,  
RUMSON, NEW JERSEY

Deposition of RICHARD N. GIACOBBE, taken at the offices of the United States Attorney for the District of New Jersey, 970 Broad Street, Newark, New Jersey, on June 27, 1989, commencing at about ten-thirty o'clock in the forenoon, before William Sokol, a Notary Public and Certified Shorthand Reporter of the State of New Jersey.

APPEARANCES:

SAMUEL A. ALITO, JR., ESQ.

UNITED STATES ATTORNEY FOR THE DISTRICT OF  
NEW JERSEY,

By: JEROME MERIN, ESQ., and

NEIL R. GALLAGHER, ESQ.,

ASSISTANT UNITED STATES ATTORNEYS  
For the Government.

WALDER, SONDAK, BERKELEY & BROGAN

By: JAMES A. PLAISTED, ESQ.

For Claimant.

[3] (Exhibits CG 1 through CG 16 marked for identification.)

**RICHARD N. GIACOBBE,**

being first duly sworn testified as follows:

**DIRECT EXAMINATION**

BY MR. PLAISTED:

Q. Mr. Giacobbe, what is your present employment?

A. With the Drug Enforcement Administration.

Q. What is your position there?

A. Special Agent.

Q. How long have you been a Special Agent for the Drug Enforcement Administration?

A. A little over 3 years.

Q. Where were you before that?

A. I was a police officer.

Q. And where were you a police officer?

A. In Morris County, New Jersey.

Q. And how long were you a police officer in Morris County?

A. Approximately 5 years.

Q. What town were you an officer with?

A. Mount Arlington Police Department.

[19] \* \* \* \* \*

Q. And then there came a time when an agreement was made with her attorney whereby you took her testimony under oath and pursuant to an immunity agreement, correct?

A. Yes.

(Exhibit CG 17 marked for identification.)

Q. I show you what has been marked as exhibit CG 17.

Can you identify that?

A. Yes.

Q. And what is it, that document?

A. A document consisting of 1 hundred 14 pages of questions and answers that pertain to Beth Ann Goodwin/Shurack.

Q. Did you play a hand in preparing CG 17?

MR. MERIN: Objection as to form.

MR. GALLAGHER: Can you be a little more specific?

Q. Did you prepare that transcript that appears before you and is numbered CG 17?

MR. MERIN: Objection as to form.

[20] Are you asking if he prepared the transcript, or if he participated in taking the transcript?

MR. PLAISTED: The witness can say if he doesn't understand but I will rephrase it.

Q. Did you have a hand in preparing that document, the transcript, that has been marked CG 17?

MR. GALLAGHER: Objection.

Do you understand the question?

A. No, I don't know if it pertains to did I help prepare the questions or did I help transcribe it.

Q. Did you review the tape and review that transcript at some point in time before it was prepared in its final form?

A. Yes.

Q. Did you make alterations to the transcript where you thought the words should be more properly reflected —

A. Myself and Special Agent Lohr reviewed the tape and prepared the transcript.

Q. And you made corrections where you thought it was appropriate?

A. Yes.



Q. Is CG 17 an accurate reflection of the tape of your immunized interview with Beth Ann Goodwin?

[21] A. Yes.

Q. Now, at the time that that transcript was taken had Joseph Brenna been tried on criminal charges?

A. I don't recall before or after.

Q. Well, did you continue to investigate Ms. Goodwin and Mr. Brenna on transactions relating to 92 Buena Vista Avenue after his trial?

MR. MERIN: Could we establish a date for the trial?

MR. PLAISTED: If the witness knows, or if you know.

MR. MERIN: I'm not testifying. You are asking the question.

MR. PLAISTED: Please read the question back.

(Record read.)

A. Is your question, did I continue to investigate Beth Ann and Brenna pertaining to just money transactions pertaining to 92 Buena Vista Avenue after this?

Q. Did you attend the trial when Mr. Brenna was tried?

A. First trial?

Q. Yes.

A. Yes.

[22] Q. Was there a second trial?

A. Yes.

Q. And did that second trial get tried to a conclusion?

A. I don't believe it went to trial, I think there was a plea.

Q. Did he plead before they began the actual trial?

A. Yes.

Q. Did this transcript with Beth Ann Goodwin take place before the first trial, or after the first trial?

A. I don't recall. If you can get me the—

Q. As you sit here now you have no idea whether you took her immunized statement before, or after, the trial of

Mr. Brenna on money laundering charges?

A. I can't recall.

Q. But in any case, you took her immunized statement before the second proceeding when he pled guilty; is that correct?

A. I don't recall.

Q. So you don't recall whether you took her statement before or after he pled guilty either?

A. That's correct.

[23] Q. If you took this transcript after he pled guilty what was your purpose in immunizing her and taking this transcript?

MR. GALLAGHER: Objection. One moment.

MR. PLAISTED: Are you instructing him not to answer?

Can we just speed it up?

MR. GALLAGHER: You are probably going to have it over before the Magistrate. I want to preserve the record.

That's the reason for me making the objection and taking the time.

MR. PLAISTED: Let me get a cup of coffee. I will use the time usefully.

(Discussion off the record between the witness and government counsel.)

MR. MERIN: We are going to object to the question because as it is phrased now it is speculative and the initial question begins with "if something occurred, "which the witness already testified he doesn't know is the case, "then why did you do something"?

MR. PLAISTED: Are you instructing him not to answer?

MR. MERIN: On the question as presently [24] posed, yes. If you rephrase it we will reconsider.

Q. What was your purpose in taking testimony from Beth Ann Goodwin on approximately May 5, 1988?

A. To develop additional information on the illegal narcotic activities of Joseph Anthony Brenna.

Q. Did the government enter into a plea agreement with Mr. Brenna?

A. I had no involvement with that, that's a United States Customs case.

Q. You were the case agent on the DEA investigation of Brenna, though; is that correct?

A. Of the drug activity of Joseph Anthony Brenna, correct.

Q. Do you know if there is a plea agreement with Brenna which prevents you from prosecuting Brenna further?

A. I don't believe there is.

Q. Well, how would you know that if you didn't — did you obtain a copy of the plea agreement?

A. No.

Q. Do you believe you presently have an investigation with Mr. Brenna?

A. Yes.

Q. Do you have any idea whether there is a plea agreement in place which affects your ability to

[43] \* \* \* \* \*

Q. Meaning this trial, criminal 87-157 and the charges in that trial?

A. Yes.

Q. If you could look at CG 2, the answers to interrogatories that you provided, did you interview — and if you can answer this yes or no I would appreciate it — Lois Geiling?

A. I believe I was present during the interview.

Q. Who else interviewed Lois Geiling?

A. Agent Janet Lohr from the Internal Revenue Service.

Q. Did you interview William Kirkpatrick?

A. I was present during the interview.

Q. Did you interview Joseph Mazacco?

A. Yes.

Q. Did you interview Shaun Murphy?

A. Yes, I have.

Q. How many times did you interview Lois Geiling?

A. I don't recall.

Q. How many times did you interview William Kirkpatrick?

[44] A. I don't recall.

Q. How many times did you interview William Mazacco?

A. A few times.

Q. When you say "a few", approximately how many?

A. Less than 7.

Q. How many times did you interview Shaun Murphy?

A. Pertaining to what?

Q. Pertaining to anything related to Brenna, Goodwin and 92 Buena Vista Avenue.

A. Several times.

Q. When you say "several", approximately how many?

A. Less than 10.

Q. Did you make reports of your interviews of Lois Geiling? Yes, or no, if you can.

A. Repeat the question.

Q. Did you make a report or reports of your interviews of Lois Geiling?

A. There were reports made.

Q. Did you play a role in creating those reports?

A. I don't know if I wrote that report or Agent [45] Lohr did.

Q. But there is a report of that interview in existence?

A. Yes.

Q. And it is part of your DEA file?

A. Correct.

Q. Is there a report of your interview of William Kirkpatrick?

A. I believe that there is.

Q. And that is contained in the DEA file?

A. Correct.

Q. And is there a report of your interview of Joseph Mazacco?

A. Yes.

Q. And is that in the DEA file?

A. Yes.

Q. How many such reports are there of your interviews of Mr. Mazacco?

A. As many times as I interviewed him.

Q. Each time you interviewed him you wrote a separate report?

A. Yes.

Q. Is there a report of your interviews with Shaun Murphy?

A. There are some.

[46] Q. How many such reports are there of Mr. Murphy, relating to Mr. Murphy and Goodwin, Brenna, Buena Vista Avenue?

A. Several.

Q. When you say "several", approximately how many?

A. Less than 10.

Q. But 3 or more, when you say "several" does "several" mean 3 or more?

A. Leave it as less than 2—I don't recall, it could be 2.

MR. GALLAGHER: 1—

Q. Several means 2 or more then?

A. If you want to say that.

Q. I am asking you what you mean.

A. My answer is 10 or less.

Q. But you certainly mean when you say "several" that there are 2 or more as well, correct, "several" doesn't mean one, does it?

A. Delete several and say less than 10.

Q. So when you said there were several as to Mr. Mazacco you meant there could have been one?

MR. GALLAGHER: Objection.

MR. MERIN: May I make a suggestion?

MR. PLAISTED: Gallagher suggested to him [47] that he say one; that's a goofy suggestion and I want to tie this down.

MR. MERIN: I presume for your purposes you want to know the number of reports and then you are going to make a motion—

MR. PLAISTED: In part.

MR. GALLAGHER: He will give a clarification.

He is having difficulty with the question as phrased.

A. There are several reports pertaining to Joseph Mazacco, and there are less than 10 reports pertaining to Shaun Murphy, of 92 Buena Vista.

Q. Goodwin or Brenna?

A. Right.

Q. When you say "several" I assume you mean 2 or more; is that correct?

A. Yes.

Q. And who is Joseph Mazacco?

MR. GALLAGHER: One moment please.

(Discussion off the record between the witness and government counsel.)



A. He is an associate of Joseph Anthony Brenna.

Q. Now, you have identified in these answers to interrogatories those 4 people as people from whom [48] you obtained statements; is that correct?

A. Yes.

Q. Have you interviewed anyone else that the DEA will rely on as a witness in this case to prove this forfeiture action?

A. No, I don't think so, those are the names that pertain to this aspect of the investigation.

[52] \* \* \* \* \*

MR. GALLAGHER: First of all, there is not a conference after every question. That is not true either.

We are not pointing him out to different portions to read and we are not putting words in his mouth. Nothing like that is going on and I resent your accusation that that is going on.

Q. Let me rephrase the question.

Are there any other individuals other than those identified in question number 3 in your answers to interrogatories and Beth Ann Goodwin who have evidence in this case that you know of?

MR. GALLAGHER: Objection to the word "evidence". That calls for a conclusion.

MR. PLAISTED: Can he answer?

MR. MERIN: I am instructing him not to answer this question as phrased. If you wish to rephrase the question we will reconsider the objection.

Q. Is there anybody else you can identify other than the 4 people listed in interrogatory 3 and Beth Ann Goodwin who have knowledge relevant to this case?

A. Yes.

Q. Who?

[53] MR. GALLAGHER: Objection.

Q. Who?

MR. GALLAGHER: You may answer.

A. To the best of my knowledge there is Special Agent Janet Lohr of the Internal Revenue Service.

Q. Okay. Yourself, I assume?

A. Of course myself.

Q. Anybody else?

A. They may have vague information pertaining to this, the Customs Agents.

Q. Who are they, as best as you can recall?

A. Lynch and Romney.

Q. Anybody else?

A. Agents that have worked on the investigation to assist me.

Q. Are there any names that you can presently offer of those agents?

A. Names that assisted me on this investigation, Agent Moon, and that would be it.

Q. Anybody else other than the people you have named?

A. Law enforcement agencies.

Q. Anybody else?

Your answer is no one else that you can presently think of?

[54] A. That's correct.

Q. Do you have Mr. Mazacco's present address?

A. No, sir.

Q. Do you know where he presently works?

A. No, sir.

Q. Is that information contained within the DEA files?

A. No, sir.

Q. Is he available to be called as a witness in this case, so far as you know?

A. That's up to his attorney, sir.

Q. So you believe he is available through his attorney?

A. Yes, sir.

Q. Has he worked out any kind of plea agreement?

A. Yes, sir.

Q. Has he pled guilty?

A. No, sir.

Q. What is he to plead guilty to?

A. Unknown, sir.

Q. Is that information contained within the DEA files?

A. No, sir.

\* \* \* \* \*

[70] Q. What drug transaction was the 2 hundred 40 thousand dollars referred to in paragraph 5 produced by?

MR. GALLAGHER: One moment, please.

(Discussion off the record between government counsel and the witness.)

MR. GALLAGHER: The witness may answer.

A. Just repeat that.

(Record read.)

A. Approximately at the end of 1981, 1982, beginning of 1982, Brenna organized a shipment of marijuana into the United States.

Q. Where did that shipment go to?

A. Into the United States.

Q. Where in the United States?

A. It either went to Southern Florida or the [71] north-eastern portion of the United States.

Q. What boat was it shipped on?

A. I can't recall.

Q. Who manned the ship that the alleged marijuana was shipped into Southern Florida or the northeastern portion of the United States?

A. I don't think the captain's name was disclosed.

I don't have my reports in front of me and we are going back to the very beginning of the years and I haven't reviewed them all recently and I can't recall the exact details pertaining to the captain and the M.O. of the importation.

Q. What was the volume of the shipment of the drugs that produced these funds?

A. Multi-tons of marijuana.

Q. How much money did Brenna get from that shipment in 1981 or 1982?

A. I have no idea how much Mr. Brenna made.

Q. Where did the marijuana that you say was shipped into Southern Florida or the northeastern part of the United States come from?

A. The exact location I don't know.

Q. Do you know an inexact location?

A. South America.

Q. Is that as finite as you can be in terms [72] of the source of this marijuana?

A. Yes, usually narcotics do come from South America.

Q. Are you relying on anything else specifically other than the fact that you believe that —

A. It is where the organization has been importing their marijuana from.

Q. What date did Brenna sell this alleged shipment of marijuana?

A. I have no idea when the marijuana sold.

Q. What amount of money was given to him on the date of the sale?

MR. GALLAGHER: Objection, I think that's been asked and answered.

MR. PLAISTED: No, I don't think it was.

A. I have no idea how much money Mr. Brenna made or was paid to bring this marijuana into the U.S.

Q. Where was the location that he was given the money for this shipment of marijuana?

A. Again, I have no information pertaining to how much money Mr. Brenna was paid for it.

Q. Where where did he receive it?

A. I have no idea.

Q. Who gave him this money for this shipment [73] of marijuana?

A. No idea.

Q. Who was the person who gave him this marijuana that was shipped to Southern Florida or the northeastern part of the United States?

A. Those individuals have not been identified at this time.

Q. When Brenna allegedly received this money for this marijuana where did he put it immediately after receiving it?

A. I have no idea how much money Mr. Brenna received for bringing this marijuana into the US.

Q. Where did he put this unknown amount of money that he received after receiving it?

A. Cash that Mr. Brenna did move offshore was moved to the British Virgin Islands.

Q. How do you know that he was actually paid in cash by the person who bought this marijuana?

MR. GALLAGHER: Objection, I think I am going to direct the witness not to answer.

MR. PLAISTED: Basis?

MR. GALLAGHER: Work product, investigatory privilege. How did he know, is the question.

Q. Does any of this information that you have [74] just set forth come from the 4 witnesses that you have identified as the firsthand witnesses in this case?

A. Which 4?

Q. Did any of the information which you just gave us about the 2 hundred 40 thousand dollars and the marijuana shipment come from Geiling, Kirkpatrick, Mazacco or Murphy?

A. Yes.

Q. From whom?

MR. GALLAGHER: Objection. Direction not to answer on the basis of work product, investigatory privilege.

Q. Did Geiling give you any information about this alleged drug shipment?

(Discussion off the record between government counsel and the witness.)

MR. GALLAGHER: There was a question about 2 questions back in which you asked him as to who gave him certain information. Would the reporter repeat that question? We might permit him to answer it.



MR. PLAISTED: Can I re-pose it rather than search?

Q. Did Geiling give you any information about drug transactions?

[75] A. No.

Q. Did Kirkpatrick give you any information about drug transactions?

A. No.

Q. Did Shaun Murphy give you any direct information about drug transactions?

A. No.

Q. So all the information that you related to us came from whom about this drug transaction?

A. Drug transaction?

Q. The reference in paragraph 5 of the complaint.

A. Joseph Mazacco.

Q. Did Mr. Mazacco witness the transfer of funds in this matter, as you understand it?

MR. MERIN: Objection, work product. If you want to find out —

MR. PLAISTED: I am asking for this man's state of knowledge as the signer of the affidavit.

Are you instructing him not to answer?

MR. GALLAGHER: Yes.

Q. Did you record exactly what Mr. Mazacco told you in terms of this drug transaction in 1981 or 1982 in a report of interview?

A. I believe you already asked me this question [76] earlier this morning.

Yes, there is a report made.

Q. The answer to my question is "yes"?

MR. MERIN: Yes.

Q. Now, could you set forth for me all of the facts you can now recall that underlay and supported your statement that Beth Ann Goodwin purchased the house on Buena Vista Avenue as a nominal party for Joseph Brenna?

MR. GALLAGHER: One moment, please.

(Discussion off the record between government counsel and the witness.[])

MR. GALLAGHER: As I did earlier, I am going to instruct the witness not to answer.

MR. PLAISTED: What is the basis?

MR. GALLAGHER: Work product, investigatory privilege.

Q. Is there a cooperation agreement with Mr. Mazacco?

MR. GALLAGHER: Jim, if I could just point out one thing that perhaps might help, I would not object to you asking, for example, with Beth Ann Goodwin, I would not object to you asking something along the lines of, what is the basis —

MR. PLAISTED: I did, I said factual [77] basis.

MR. GALLAGHER: I believe there is a difference between the factual basis and the basis.

The factual basis are the facts themselves and I believe that those as developed by our investigator are work product; however, the basis, the source, is not.

Just as we refuse to disclose the actual interviews in our interrogatories, we named the people that were interviewed —

MR. PLAISTED: Suggest the question and I will ask it that he will be allowed to answer.

MR. MERIN: The factual basis is laid out in the affidavit. If you want to ask him the source of the facts we have no objection.

Q. Who told you that Beth Ann Goodwin was a nominal party for Joseph Brenna in the purchase of Buena Vista Avenue? if anybody.

A. I don't believe Beth Ann Shurack's name was specifically mentioed, just that there would be a female for the money to be wired to in New Jersey.

Q. Can you tell me who, if anybody, told you that Beth Ann Goodwin was acting as a nominal party for Brenna in the purchase of Buena Vista Avenue?

MR. MERIN: In those words?

[78] A. At this point I can't recall which witness, who exactly said what.

Q. Mr. Murphy did not tell you that Beth Ann Goodwin was a nominee for Joseph Brenna, did he?

A. At the time of the investigation Beth Ann Goodwin's name was not known, she was a female living in New Jersey.

Q. Mr. Murphy has never said to you that Beth Ann Goodwin was Brenna's nominee, has he?

A. Those exact words, no.

Q. You said somebody told you something about wiring money to a person in New Jersey; what is it that was told to you?

MR. MERIN: If you wish to know who it was we have no objection.

If you wish to have us characterize what was said by a person we will object.

We do not think it appropriate to have this witness either regurgitate or characterize the testimony of third

parties he spoke to. We will give you the names of the people, the witness is prepared to give you the documents, the witness is prepared to give you that line of information, so you know where our objections are coming from.

Q. Does Mr. Mazacco have a cooperation [79] agreement with the United States?

A. Yes, he does.

Q. Does he make himself available to you when you need to interview him because of that cooperation agreement?

A. He will make himself available if we want to interview him.

Q. Can you arrange to have him produced for a deposition?

MR. MERIN: Yes.

Q. Has Mr. Mazacco met Beth Ann Goodwin?

A. Should I answer that question?

MR. GALLAGHER: No, I will direct the witness not to answer. Work product.

Q. Have you shown Mr. Mazacco a photo spread relating to Beth Ann Goodwin?

A. No.

Q. Can you set forth for me the factual basis for your statement that Beth Ann Goodwin has no visible means of support?

A. If you would refer to her interview by myself and Agent Lohr, her own statements made by her—and I believe there is an IRS form that Agent Lohr has given you.

Q. Didn't Beth Ann Goodwin tell you that she [80] was supported by Brenna during that period, most of that period?

MR. MERIN: Objection, argumentative.

MR. PLAISTED: I am asking.

MR. MERIN: I will instruct the witness not to answer. It either is or isn't in the transcript.

Q. CG 17, was that transcript taken in part to aid the case against Mr. Brenna that was pending in the Virgin Islands?

A. Already been asked by you earlier this morning.

Q. I appreciate your observations, if you could just answer the questions and quit arguing we will go faster.

MR. MERIN: Objection to that characterization.

MR. PLAISTED: The witness keeps telling me that I am asking questions that have already been asked, which isn't the —

MR. GALLAGHER: You asked that question this morning.

MR. PLAISTED: I didn't ask that question. I would ask for an answer to that question or an instruction not to answer; let's move along.

MR. MERIN: Could you keep your voice [81] down?

MR. PLAISTED: I haven't raised my voice.

Why do you need 2 government lawyers and all of the conferences? You can say in 2 words simply, objection, don't answer. I would appreciate it if we can confine it to a proper deposition format.

I would ask for either an instruction not to answer or an answer to the question.

(Record read.)

A. I can't recall whether this interview was taken before, or after, the incident in the Virgin Islands.

If you can give me a date of the incident in the Virgin Islands I will be able to work that out.

Q. The government has those dates, I don't.

Did Ms. Goodwin supply you with information that you forwarded to the prosecutors in the Brenna case when you took her statement?

A. This statement?

Q. Yes.

A. It is available to the prosecutors in Southern Florida.

Q. When she said in that statement that Brenna had wired the money forward wasn't that information that you wanted to give to the prosecutors

[97]                    \* \* \* \* \*

Q. As far as you could tell he had nothing to do with any boat business?

A. Legal business, no, sir.

Q. Did he have any business with boats?

A. Yes, sir.

Q. When you say illegal business with boats, did he repair boats illegally?

A. No.

Q. Did he buy and or sell boats illegally?

A. In the furtherance of a narcotic organization, yes, sir.

Q. So you did have evidence that he bought and sold boats?

A. Yes, sir.

Q. How many?

A. I don't recall, sir.

Q. Calliope being one of those?

A. Where did that come from?

Q. Transcript of your interview of Ms. Goodwin, questions that you and the other agents asked.

MR. MERIN: Would you direct the witness to the page and line?

Q. Do you recall that name?

[98] A. Yes.

Q. What is it?

A. A sail vessel.



Q. Did Brenna have an interest in it?

A. Yes. -

Q. Did he buy it?

A. He was part of the purchase of it.

Q. Did he own a boat in New Jersey?

A. I believe he owned several, sir.

Q. Did he sell some of them?

A. When, can you be specific with years?

Q. I don't know facts, I am asking you based on your interview with Goodwin.

MR. MERIN: Based on the transcript?

MR. PLAISTED: Yes.

A. Before the interview of Ms. Goodwin I don't believe he sold them.

Whether he has now sold boats I don't know.

Q. How many did he own at the time of the interview with Ms. Goodwin?

A. I believe he owned a few of them, sir.

Q. When you say a few, approximately how many?

MR. MERIN: If you know.

[99] A. Approximately 3.

Q. What were the names of those boats?

A. The Saharra, the sail vessel Caliby, the sail vessel Capricorn, and the motor vessel Apache Chief, and other vessels he has used in the importation of marijuana.

Q. You aren't saying those other boats you named were all used in the importation of marijuana, or are you?

A. I am saying that the majority of them are.

Q. What is your factual basis for that statement?

MR. MERIN: I am instructing the witness not to answer, investigatory privilege.

Q. Who told you that the Caliby was used for importing drugs?

A. Informants, sir.

Q. Who told you that the the Saharra was used for drugs?

A. Informants, sir.

Q. Who told you that the other 2 vessels that you named were used for drugs?

MR. MERIN: The Apache Chief?

A. Informant's.

Q. Who told you whatever the name of the

\* \* \* \* \*

[108] A. Let me talk to Mr. Gallagher for a second.  
(Short recess.)

(Record read.)

A. Nobody directly told me out of their mouths saying that Beth Ann Shurack was a nominee; witnesses that are in the interrogatories there have given information pertaining to the purchase of the house, the pick up of the money of the house and who was present during negotiations.

Q. None of the attorneys told you that she was a nominee, correct?

A. The word nominee, no.

Q. And Lois Geiling didn't tell you that she was a nominee or nominal party?

A. Again, sir, no one directly said that Beth Ann Shurack was a nominee.

What they did say was Beth Ann Shurack was the person who did the negotiating, went looking for the house, who picked up the money.

Q. Who moved in?

A. No one said they had seen her move into the house.

Q. You doubt that she moved in?

A. She had to move in.

Q. I take it Mr. Mazacco did not say she was [109] a nominee for Mr. Brenna, either?

A. Nobody has told me, nobody.

\* \* \* \* \*

[113]

\* \* \* \* \*

[Q.] Do you know whether there is any reference to Murphy knowing anything about drugs that Brenna was allegedly selling in that trial transcript?

[114] A. I don't believe Mr. Murphy had any personal knowledge of what Mr. Brenna did for a living.

Q. In fact he said that in the trial transcript, didn't he?

A. If that's what you are saying.

Q. I am asking you, did he say, "I don't have any personal knowledge of what Brenna did for a living"; did he ever say that to you?

A. To me, yes.

Q. So Murphy is not the basis for paragraph 12, is he?

MR. MERIN: You have gotten an answer.

MR. PLAISTED: No, I didn't. He said one time Murphy was. We have now explored it and I am assuming Murphy is not the basis for paragraph 12.

MR. MERIN: That's an assumption you are making.

MR. PLAISTED: I agree, and that's why I ask asking him.

MR. MERIN: If the witness wants to review the—

Q. Is Murphy the factual basis for paragraph 12?

MR. GALLAGHER: I would object. Essentially the question becomes a compound question [115] because there are 2 facts in issue in paragraph 12.

I think the witness is having a little difficulty understanding it because you are basically asking compound questions by asking about number 12.

Q. Did Murphy ever say anything about the 2 hundred 16 thousand coming from drugs?

A. No.

Q. In fact he said he didn't know, correct?

A. Did not know what Mr. Brenna did for a living.

Q. Correct. And he said he didn't know whether or not the money came from drugs?

A. Correct, sir.

Q. And the only one who has provided a factual basis to you for paragraph 12 is Mazacco, correct?

MR. GALLAGHER: I am going to direct the witness not to answer.

He has answered that question.

MR. MERIN: Let him.

MR. GALLAGHER: Okay, you may answer that question.

A. Yes, sir.

MR. MERIN: Faster this way.

Q. In paragraph 13, could you set forth the full factual basis for your statement that Beth Ann [116] Goodwin as a nominee or nominal party for Brenna kept up the property at 92 Buena Vista Avenue?

A. Beth Ann Shurack's transcript.

Q. Right.

A. Her transcript.

Q. Okay.

Can you set forth the full factual basis for your statement in paragraph 14 that Brenna obtained the 2 hundred 25 thousand dollars used to maintain the property from drug transactions?

A. Mazacco.

Q. Can you set forth the full factual basis for your statement in paragraph 17 that Brenna accumulated huge profits by multiple criminal acts involving drugs and drug transactions before, during and after the acquisition of the defendant's property by Beth Ann Goodwin?

A. Beth Ann Shurack's deposition and informants and our criminal investigation.

Q. When you say your criminal investigation what do you mean?

I would like the facts.

MR. GALLAGHER: I will direct the witness not to answer as to what his criminal investigation is.

\* \* \* \* \*

[134] Q. When you were assigned to this project in December 1986 Mr. Murphy had already turned over all of the records of his wire transfers, correct?

A. Mr. Murphy's records were all in the possession of the Drug Enforcement Administration.

Q. That was when you began this project, in December 1986?

A. They were already in their possession.

Q. Let me show you, for example, page 24, where questions are asked directly about Buena Vista Avenue.

You and Agent Lohr knew before May 5, 1988, when you went to interview Ms. Goodwin that money had come from Brenna via wire transfer that was ultimately used to purchase 92 Buena Vista, correct?

A. Yes.

Q. Has Mr. Mazacco ever been tape recorded? And if I asked that I apologize.

A. No, sir.

Q. Has Mr. Mazacco been investigated in connection with drug transactions that you do not allege Brenna controlled?

MR. GALLAGHER: Objection.

Can you give me a little hint as to how [135] that is going to lead to relevant evidence?

MR. PLAISTED: Mazacco is the only witness in this case who has any evidence that supports your complaint.

I want to know everything I can about that witness upon whom you are banking to go and seize Ms. Goodwin's house and so I intend to ask as much as I can about him, find out as much information, and of course substitute him for Mr. Murphy, I guess, since Mr. Murphy apparently doesn't have any information that is helpful in terms of showing this is drug money.

So I want to know as much as I can about Mazacco and that's why I am asking it.

A. Repeat that question.

Q. Does Mr. Mazacco have any drug involvement known to you that are related to transactions that are not controlled by Mr. Brenna?

A. The answer to that is, yes, I believe he does.

Q. Has the Government foregone prosecution against him for those other transactions to gain his cooperation?

A. My answer to that is it is the same organization.

Q. Is one of the cases Mr. Mazacco is cooperating in this seizure action?

[136] A. Yes.

Q. Has Mr. Mazacco received remuneration from the government in the form of money?

A. No.

Q. Has Mr. Mazacco received any benefits from the government of a monetary nature?

A. No.

Q. How many times has Mr. Mazacco violated the drug laws in so far as you know?

A. Less than 10 times.

Q. How many years has he been involved in drug transactions, as far as you know?

A. Approximately the past —

MR. GALLAGHER: Pardon me.

(Discussion off the record between the witness and government counsel.)

(Record read.)

A. A few years total.

Q. When you say a few years, he started at least as early as 1982, correct?

A. Yes.

Q. Was he involved before 1982?

A. Approximately 1981.



Q. Was he involved before 1981?

A. Not that I know of.

[137] Q. From 1981 until what point did he continue to be involved in drug transactions?

A. Drug transactions, I believe sometime in the beginning of 1987.

Q. And have you seized any of Mr. Mazacco's assets? (Discussion off the record between government counsel and the witness.)

A. No.

Q. Between the years 1982 and 1987 did Mr. Mazacco have any employment on a regular basis that was legal?

A. I think he did, sir.

Q. What was it?

A. To the best of my recollection, I believe it was something to do with chartering in Southern Florida, boats.

Q. Was he in the boat business?

A. What is your definition of "boat business"?

Q. Was he chartering in the boat business?

A. Yes.

Q. Did you have any information which indicated that Mr. Brenna may have chartered boats from time to time, chartered out boats that he owned?

A. No.

[136] Q. Did you have any information indicating that he did not charter out boats that he owned?

A. No.

Q. Wouldn't you agree that it is a fair assumption that if you own a number of boats as you have identified Mr. Brenna as owning that you may well charter them out from time to time if you can't use them all at once?

MR. MERIN: Objection, argumentative. I instruct the witness not to answer.

Q. Did you ever make inquiry to determine whether Mr. Brenna chartered out boats?

A. Inquiries must have been made, sir.

Q. But you did not?

A. I believe I did.

Q. Whom did you inquire of?

A. Probably there was no one to inquire to.

Q. So then I take it you didn't, you were not actually able to make any such inquiries as to whether he chartered out boats because you couldn't find anybody to ask?

A. Correct.

Can we, can you go back a couple of questions? I want to make sure I answered them correctly.

(Record read.)

[139] A. Pertaining to chartering boats, that Mr. Brenna may have chartered out boats —

Q. May have chartered out his boats?

A. Chartered out his boats?

Q. Yes.

A. There is information that Mr. Brenna had chartered out a vessel; whether he owned it, his organization owned it, a corporation owned it, is not determined at this time.

(Exhibit CG 19 marked for identification.)

Q. Is it fair to say that other than the facts supplied by Mazacco as to the source of the money used, transferred from Brenna to Murphy to Davis for the purchase of the house, there is no other witness who identifies those funds as drug money?

MR. MERIN: At this point in time?

I object, for the record.

A. We are talking about the funds for the 2 hundred 16 purchase of the house?

Q. Yes.

A. At this time, correct.

Q. When you say "at this time"—

A. Pertaining to that 216 for that house as we sit here, yes.

Q. Did Mazacco provide you any documents that [140] showed that that money given by Brenna to Murphy was drug money?

A. Mazacco was not present when the money was given to Shaun Murphy; ask Shaun Murphy.

Q. My question to you is, did Mazacco give you any documents that showed that the source of the money that Brenna gave Murphy that was transferred to Davis was drug money?

A. No.

Q. Did Mazacco give you any other physical evidence that shows that the money that Brenna later gave to Murphy out of Mazacco's presence was drug money?

A. No.

Q. Did you ever ask Mazacco if he knew where the money Brenna gave Murphy in October of 1982 came from?

MR. GALLAGHER: Objection.

MR. PLAISTED: Goes to this witness' affidavit.

MR. GALLAGHER: You are asking him what he asked Mr. Mazacco?

MR. PLAISTED: Right.

MR. GALLAGHER: I am going to direct him not to answer; that's work product.

[141] Q. Does Mazacco know the source of all money Brenna had in 1982?

A. No.

Q. Did Mazacco and Brenna live together in 1982?

A. Not that I know of.

Q. Did they have daily contact in 1982?

A. I don't no [sic], sir.

Q. Did Mazacco live in the same town Brenna did in 1982?

MR. MERIN: All year?

A. I don't recall if Mazacco lived in Rumson, New Jersey, or the lower portion of New Jersey.

Q. Does Mazacco claim to know the details of all of Brenna's finances?

A. No.

Q. Was Mazacco's only contact with Brenna the single alleged drug transaction that you have previously identified in 1981 and 1982?

MR. GALLAGHER: Objection.

MR. PLAISTED: We may be able to get our motion done without other depositions if we get through this.

MR. GALLAGHER: I don't think I am going to allow him to answer as to the scope of what Mazacco [142] told him.

Mazacco is available; you can take his deposition.

MR. PLAISTED: Don't you think it would be easier to have full discovery now and make our record, rather than fudging around?

MR. MERIN: We are not fudging around. What you are proposing puts us in the position of where someone on the basis of information gathered in preparation for litigation, using that information in essence—

MR. PLAISTED: This man filed the affidavit.

MR. MERIN: That would be speculating as to what Mazacco may have said.

Q. Can you set forth in full for me the facts that show that the 2 hundred 25 thousand given by Brenna to Murphy was proceeds of a drug transaction?

A. Mazacco.

Q. What are the facts that show that?

A. Importation.

Q. I understand you got the information from Mazacco but what are the facts?

MR. MERIN: I think he has already answered.

[143] MR. PLAISTED: In little bits and pieces.

Q. If you would, would you give me in full the facts that support your statement that the 2 hundred 25 thousand dollars given by Brenna to Murphy were the proceeds of a drug transaction?

A. You will have to see Mazacco and also you will have to go to the IRS and see what Mr. Brenna has claimed he has done for a living.

Q. He hasn't filed anything, right — that doesn't do me any good — correct, he has not filed anything, according to what you produced here today?

A. There is a certification of lack of records and that is Beth Ann's testimony.

Q. What I am asking you is, in the complaint that you swore to you allege that the 2 hundred 25 thousand was traceable to a drug transaction.

Can you tell me in full the facts that support that?

MR. GALLAGHER: He just did, asked and answered.

A. You have been told to see Mazacco.

Q. You are giving me the source, I want the facts.

MR. MERIN: I think he has identified —

Q. Are there any facts that you know of?

[144] MR. MERIN: The answer to that is in terms of the contents of what is in the investigatory report. We are going to instruct him not to answer that.

A number of the detailed facts which might have formed part of interviews with Mr. Mazacco — you would be asking this man to produce work product.

MR. PLAISTED: He already described a drug transaction in the Northeast or Southern Florida and I was trying to make sure I hadn't missed anything and give him the

chance to set forth in full the facts to support his contention that he made in his affidavit that the 2 hundred 25 thousand came from a drug transaction.

Q. Can you identify those facts?

A. My answer again to you is going to be, Mr. Mazacco's statement.

Q. What are the facts as you understand it from his statement?

A. As I laid out before to you there was an importation either in Southern Florida, I believe in the Northeast, and there was an importation of multi-tons of marijuana, and what else Mr. Mazacco has to say.

Q. What else does he have to say that supports your contention?

[145] MR. GALLAGHER: We are not going to allow him to answer.

Q. Do you have any facts to show that you can trace that 2 hundred 25 thousand to this drug transaction?

MR. MERIN: Directly?

Q. Yes?

A. Mr. Mazacco's statement and Mr. Murphy's —

Q. You talked to Mazacco at length. Does he specifically trace this money and can he say that the 2 hundred 25 thousand given to Murphy was from a drug transaction; can he say that?

MR. GALLAGHER: I am going to direct him not to answer because it is work product.

MR. PLAISTED: Will you pay for all of the costs it will take to find out if Mazacco can't say it?

He knows; why can't he say it and we can move along?

MR. GALLAGHER: I directed him not to answer.

Q. Do you agree Mazacco wasn't present in the Virgin Islands, correct, when Brenna gave money to Murphy, correct?

A. You are going to have to go through that again.



Q. Was Mazacco present in the Virgin Islands [146] when Brenna gave Murphy money?

A. When?

Q. 1982.

A. Not that I know of.

Q. Did Mazacco accompany Brenna to the Virgin Islands in or around 1982?

A. For what reason?

Q. For any reason.

A. Not that I know of.

Q. Does Mazacco have any way of knowing that Brenna didn't get the 2 hundred 25 thousand that he gave Murphy from a drug transaction?

MR. GALLAGHER: Objection. Calls for speculation of what Mazacco knows.

MR. PLAISTED: He has talked to him.

MR. MERIN: Still asking him —

MR. PLAISTED: It will save us a lot of time.

(Record read.)

MR. MERIN: The question is difficult for me to follow. There is a double negative there.

Q. Does Mazacco have any way of knowing the actual source of the precise 2 hundred 25 thousand dollars that Brenna allegedly gave Murphy in 1982?

[147] A. Sir, I have no idea of what Mazacco has knowledge of pertaining to that.

Q. Didn't you interview him about that precise fact before you signed your affidavit?

A. Pertaining to the 2 hundred 14?

Q. Did you ever interview him at all as to whether or not the money given Murphy by Brenna was known to Mazacco to be drug money?

A. Mazacco didn't have have knowledge of the money being transferred offshore to Mr. Murphy, that I know.

Q. Thank you.

MR. PLAISTED: Why don't we just stop. I will make my motion.

\* \* \* \* \*

# CERTIFICATE

I hereby certify that the witness herein was duly sworn by me and that the foregoing is a true and accurate transcript of the proceedings as taken by me on the date and at the time and place hereinbefore set forth.

/s/ William Sokol

WILLIAM SOKOL, Notary Public  
and Certified Shorthand Reporter  
of the State of New Jersey.

**Supreme Court of the United States**

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No. 91-781

UNITED STATES, PETITIONER

v.

A PARCEL OF LAND, BUILDINGS, APPURTENANCES AND  
IMPROVEMENTS, KNOWN AS 92 BUENA VISTA AVENUE,  
RUMSON, NEW JERSEY, ET AL.

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ORDER ALLOWING CERTIORARI.

Filed March 2, 1992.

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The petition herein for a writ of certiorari to the United  
States Court of Appeals for the Third Circuit is granted.

March 2, 1992